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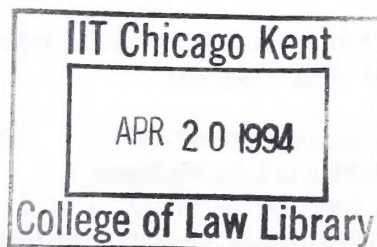
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Rules of Governmental Agencies

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NOTICE OF MOVE OF OFFICES

Please note that, effective January 25, 1994, the Administrative Code Division of the Secretary of State's Index Department has moved to the Index Department Building at 111 East Monroe Street, Springfield, Illinois, 62756. (Telephone 217-782-7017)

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Older Americans Act Programs

2) Code Citation: 89 Ill. Adm. Code 230

3) Section Numbers:

230.360
230.361
230.362
230.363
230.364
230.365
230.366

Proposed Action:

Amendment
Amendment
Amendment
Repeal
Amendment
New Section

4) Statutory Authority: 20 ILCS 105/4.01, (4), (11) and (12) and 105/5.02.

5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments correct applicable references implementing Office of Management and Budget Circulars A-128 and A-133 concerning federal audit requirements of grantees/contractors receiving federal financial assistance through the Illinois Department on Aging and delete obsolete requirements or requirements now contained in OMB Circulars A-128 and A-133.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking by writing to Ms. Pamela W. Balmer, Assistant, Office of General Counsel, Illinois Department on Aging, 421

DEPARTMENT ON AGING

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East Capitol #100, Springfield, Illinois 62701-1789 within 45 days after the date of this issue of the Illinois Register.

These rule amendments will have an impact on small businesses. In accordance with Sections 100/1-20 and 100/5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela Balmer at the above address.

Any small business (as defined in Section 100/1-75 of the Illinois Administrative Procedure Act) commenting on these rule amendments shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected:

Area Agencies on Aging, grantees, contractors and subgrantees and subcontractors of same.

B) Reporting, bookkeeping or other procedures required for compliance:

No change from previously established requirements.

C) Types of professional skills necessary for compliance:

No change from previously established requirements.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 230

OLDER AMERICANS ACT PROGRAMS

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230.630	Service Activities
230.640	Records and Documentation
230.650	Case Coordination Unit Compliance During Contract/Grant Period

AUTHORITY: Implementing the Illinois Act on the Aging [20 ILCS 105/4.01 (1), (11), and (12); 105/4.02; 105/4.03 and 105/5.02 and

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the Older Americans Act, as amended (42 U.S.C. 3001 et seq.) and authorized by the Illinois Act on the Aging [20 ILCS 105/4].

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985; amended at 10 Ill. Reg. 5787, effective March 27, 1986; recodified at 10 Ill. Reg. 7653; effective April 30, 1986; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 15869, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 12540, effective July 15, 1988, for a maximum of 150 days, emergency expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. 20299, effective December 15, 1989; amended at 14 Ill. Reg. 2308, effective January 25, 1990; amended at 15 Ill. Reg. 18642, effective December 13, 1991; amended at 16 Ill. Reg. 15401, effective September 28, 1992; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART D: FISCAL REQUIREMENTS

Section 230.360 General Audit Financial and Compliance Requirements

- a) All grantees and contractors who receive financial assistance through the Illinois Department on Aging must obtain and file an financial and compliance audit report as mandated in, and, in accordance with, Office of Management and Budget (OMB) Circular A-128, "Audit of State and Local Governments" or Office of Management and Budget (OMB) Circular A-133, "Audits of Institutions of Higher Education, and Other Nonprofit Institutions"; and, as applicable, in accordance with "Government Auditing Standards" (45 CFR 92, October 1988); "Administration of Grants" (45 CFR 74, March 1991); "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", (7 CFR 3016, October 1988); "Uniform Administrative Requirements for Grants and Cooperative

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Agreements to State and Local Governments", (29 CFR 97, October 1988); "Uniform Federal Assistance Regulation", (7 CFR 3015, August 1993); "Audits of Institutions of Higher Education and Other Nonprofit Institutions", (7 CFR 3051, August 1993); "Audit Requirements for Grants, Contracts and Other Agreements", (29 CFR 96, October 1991), no later editions or amendments included, of their aging program operations. Such financial and compliance audits must be made in accordance with generally accepted auditing standards, including the standards of:

- 1) the U.S. General Accounting Office's publication "Government Auditing Standards (45 CFR 92, October 1, 1988, no later editions or amendments included), and
- 2) any specific audit instructions issued by the Illinois Department on Aging.

b) Such audits must be conducted in accordance with generally accepted auditing standards, including the standards of:

- 1) The U. S. General Accounting Office's publication, "Government Auditing Standards" (45 CFR 92, October 1988) and those applicable citations in a) above; and,
- 2) any specific audit instructions issued by the Department.

b) Financial and Compliance Audits shall be performed by a licensed firm of Certified Public Accountant(s) in good standing who are sufficiently independent of those who authorize the expenditure of Older Americans Act or related funds (e.g., interest income, local cash, in-kind contributions, project income), including the matching funds provided, in order to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria outlined in Chapter 3, Part 11, of the U.S. General Accounting Office publication, "Government Auditing Standards" (45 CFR 92, October 1, 1988, no later editions or amendments included). In instances where the grantee is an agency of a unit of general purpose government, the grantee may contract

DEPARTMENT ON AGING

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with the audit division thereof subject to the prior approval of the Illinois Department on Aging and subject to the requirements of Section 230.363.

c) Financial and Compliance Audits must be conducted annually.

d) Where an aging project is operated within a multipurpose organization or one which operates more than one aging project, the grantee may obtain an organization wide financial compliance audit so long as the audit procedures used and the audit report address the aging project specifically. Also, the portion of the audit expense charged to the Older Americans Act or other Illinois Department on Aging administered funds must be proportional to the share of the audit dealing with the project.

d)e) Each grantee and contractor must establish a procedure for reviewing financial and compliance audit reports and responding to recommendations.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 230.361

Purpose of Financial and Compliance Audits

The purpose of grantee financial and compliance audits shall be to determine the effectiveness of the financial management systems and internal procedures established by a grantee or contractor to meet the terms of its awards and to determine whether the grantees and contractors are in conformance, as applicable, with significant compliance requirements [Office of Management and Budget (OMB) publications "Compliance Supplement for Single Audits for State and Local Governments" (September 1990) 43 CFR 12, October 1, 1985, no later editions or amendments included] and "Compliance Supplement for Audits of Institutions of Higher Learning and Other Nonprofit Institutions" (October 1991), no later editions or amendments included, that can have a material effect upon the programs. The audit report is also used to ascertain the amount of unearned Federal or State funds (unspent funds) at the end of the grant.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 230.362 Audit Engagement Agreement Letter

a) Each grantee and contractor is responsible for securing its own independent auditor. Will ensure that the contract with the auditor is covered by an audit engagement letter which, at a minimum, must include:

- 1) Scope of the audit.
- 2) Audit Period.
- 3) Type of audit.
- 4) Provision for an expression of positive assurance on the compliance of the audited entity with regulatory requirements (described in Section 230.361) for tested items, and negative assurances for untested items.
- 5) Provision for a letter of non material finding(s) (minor discrepancies found in the audit and not included in the report) developed in the audit and excluded from the report.

6) Basis for allocation of fee. The cost of the audit shall be distributed to all sources of funds based on a reasonable distribution plan.

7) Due date for submission of the final and compliance audit.

8) Submission of one full, complete copy of the compliance audit working papers to the audited entity.

9) Any additional terms, agreements or relationships imposed by the grantee or the auditor affecting the audit agreement.

b) Prior to the initiation of audit activity, the grantee and contractor will ensure the contract with the auditor is covered by an audit engagement agreement which, at a minimum, includes:

- 1) Scope of the audit.

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- 2) Audit period.
- 3) Provision for an opinion on the financial statements in conformity with generally accepted government auditing standards, "Government Auditing Standards" issued by the U.S. General Accounting Office and state the audit will be performed in accordance with Office of Management and Budget (OMB) Circular A-128 "Audit of State and Local Governments" or A-133, "Audits of Institutions of Higher Education, and Other Nonprofit Institutions"; and in accordance with those applicable citations in Section 230.360 a) of this Part.
- 4) Provision for a report on the internal control structure that awards are managed in compliance with applicable laws, regulations, and grant terms.
- 5) Provision for an expression of positive assurance on the compliance of the grantee and contractor with regulatory requirements (described in Section 230.361 of this Part) for tested items, and negative assurance for untested items.
- 6) Provision for a letter of a non-material audit finding(s) developed in the audit and excluded from the audit report.
- 7) Basis for allocation of audit fee. The cost of the audit shall be distributed to all sources of funds based on a reasonable distribution plan.
- 8) Due date for submission of the audit report.
- 9) The auditor will provide the grantee and contractor with a copy of the compliance audit workpapers.
- 10) Any additional terms, agreements or relationships affecting the audit engagement agreement.

c) b) The ~~a~~Audit ~~e~~Engagement ~~a~~Agreement must be submitted to the Department for approval no later than two (2) months after the end of the fiscal year to be audited.

DEPARTMENT ON AGING

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d) e) The Department ~~(Division of Administrative Compliance)~~ will approve or deny the engagement terms on the basis of the content of the audit engagement agreement specified in the audit engagement letter. The audit engagement agreement will be denied for any of the following reasons:

- 1) The audit engagement agreement does not meet the minimum content required by subsection (ba);
- 2) The basis of allocation of the audit fee is not deemed to be reasonable because the percentage of the fee charged to each funding source or program does not represent the proportion of funds expended from each source or program relative to total funds expended for the audit period;
- 3) The terms of the engagement agreement do not comply with rule provisions governing audits, as specified in Sections 230.360 through 230.366.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 230.363 Distribution of the Cost of a Unified Audit

- a) In a circumstance where a grantee, contractor and its subgrantees and subcontractors desire to retain an auditor to perform an ~~financial and compliance~~ audit of its own books and that of all or part of its subgrantees, and subcontractors, called a unified audit, the cost of the ~~financial and compliance~~ audit may be apportioned to the grantee's and contractor's ~~area agency's~~ administrative cost or the cost of the ~~financial and compliance~~ audit may be apportioned to the grantee's and contractor's ~~area agency's~~ administrative cost and that of each of its subgrantees and subcontractor in proportion to the workload of the auditor.
- b) A grantee and contractor ~~whom~~ which negotiates to have a unified audit performed must ensure compliance with the conditions contained in the Department's audit procedures.
- 1) The grantee and contractor must obtain from each

DEPARTMENT ON AGING

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subgrantee and subcontractor willing to participate in the unified audit ~~revocable~~ written authorization for the grantee and contractor to act as each subgrantee's and subcontractor's agent in securing an independent auditor to perform the financial and compliance audits on each subgrantee's and subcontractor's respective records.

2) Following the grantee's obtaining of an auditor and ~~before~~ commencement of the unified audit, each subgrantee and subcontractor willing to participate in the unified audit must enter into an agreement which sets forth the subgrantee's and subcontractor's acceptance of the independent auditor and the ensuing audit report. Subgrantees and subcontractors shall have the option of:

- A) Entering into a separate audit engagement agreement with the independent auditor; or,
- B) Signing the audit engagement agreement between the grantee, contractor and the independent auditor.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 230.364

Scope of the Financial and Compliance Audit
(Repealed)

The scope of the financial and compliance audit must include, but not necessarily be limited to the following:

- a) ~~Each governmental grantee is responsible for securing its own non federal organization wide financial and compliance audit.~~
- b) ~~Each non profit grantee is responsible for securing its own non Federal program financial and compliance audit. A non profit grantee may elect to have an organization wide financial and compliance audit performed in lieu of a program audit.~~
- c) ~~Commercial for profit organizations having cost type~~

DEPARTMENT ON AGING

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contracts (i.e., the vendor is reimbursed for the actual allowable costs spent) with area agencies are required to secure a contract audit. Provided there has been an advertised or competitively negotiated contract award, a fixed price or fixed reimbursement rate contract, whether awarded to commercial or non-profit organizations need not be audited, although grantees are required to institute staff inspections to ensure the adequacy of the quality and quantity of services or goods delivered.

d) ~~Audit of the grantee's financial records for the period beginning with the start of the grant or starting from the last prior audit, whichever is later.~~

e) ~~Audit of the degree of the grantee's conformance in complying with significant compliance requirements (as specified in OMB publication "Compliance Supplement for Single Audits for State and Local Governments") that could have a material effect upon the grantee's program.~~

f) ~~Organization wide audits are to be performed on the basis of the grantee's fiscal year. Program audits may be performed either on the grantee's fiscal year or the grant's program year.~~

g) ~~Review of the propriety of expenditures as specified in OMB Circular A-122 and OMB Circular A-87 (43 CFR 127, October 1, 1985, no later editions or amendments included), as applicable, under the terms of the grant or contract and U.S. Department of Health and Human Services and the Illinois Department on Aging policies and guidelines.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 230.365

Audit Reports

- a) The auditor report shall state that the audit was made in accordance with the provisions of Office of Management and Budget (OMB) Circular A-128 or Office of Management and Budget (OMB) Circular A-133 as applicable and in accordance with those applicable citations in Section 230.360 a) of this Part and shall

DEPARTMENT ON AGING

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include at least the following: must submit the following reports to the audited entity:

- 1) Financial Report(s)
 - A) General purpose or basic financial statements (Financial Statements); and,
 - B) Schedule of Federal awards (with auditor's opinion in relation to Financial Statements).
- 4) Financial statements and opinion on the financial statements. Financial statements must identify each grant program.
- 2) Internal Control Report(s)
 - A) Entity-wide internal control matters based on the auditor's understanding of internal control structure and the assessment of control risk, made as part of the financial statement audit.
 - B) Internal controls designed to provide reasonable assurance of compliance with laws and regulations applicable to awards.
- 2) Statement of Audited Entity Budgets, Expenditures and Balances by line item for each grant program.
- 3) Compliance Report(s)
 - A) Compliance which may be material to financial statements;
 - B) Opinion on compliance with laws and regulations applicable to each major Federal program. This requirement is met with the following 3 reports:
 - i) Report on compliance with general requirements. (Opinion disclaimer with positive and negative assurance); and,
 - ii) Opinion on compliance with specific

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requirements applicable to each major program. (Opinion to include financial reports and claims for advances and reimbursements; and amounts claimed or used for matching, in accordance with allowable costs or cost principles); and

iii) Compliance with requirements tested for non-major programs. (Opinion disclaimer with positive and negative assurance, applicable only when non-major programs are tested.)

- 3) A separate opinion regarding the internal control of the agencies and reference to any deficiencies and recommendations for improving them.
- 4) Other Report(s) (if applicable)
 - A) Schedule of findings and questioned costs, if not included in the internal control or compliance reports;
 - B) Management letter or letter of representation;
 - C) Separate communication of non-material findings; and,
 - D) Report of illegal act(s).
- 4) A list of any costs which vary with prevailing Federal laws and regulations, compliance requirements in Compliance Supplement to OMB Circular A-128, OMB Circulars (e.g., A-122, A-102, A-110, A-87), 45 CFR 74 (October 1, 1987, no later editions or amendments included), prevailing State laws and rules of the Department including those specified in 89 Ill. Adm. Code 210-40.
- 5) A separate opinion as to extent of compliance with prevailing Federal regulations as promulgated in the Supplement to OMB Circular A-128 and State laws and rules of the Illinois

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Department on Aging-

- 6+) A letter of representation prepared on the audited entity's letterhead stationery shall be signed by the Chairman of the Board or officially authorized representative and the Financial Officer of the audited entity when agreement has been reached on the content of the audit.
- 7+) As part of the audit report, the auditor will inventory all subgrantees' and contractors' audit reports for compliance with OMB Circulars A 110 or A 128 (45 CFR 74, Appendix J, October 1, 1987, no later editions or amendments included), as applicable, and summarize the findings of each and the area agency's disposition of any questioned costs.
- 8+) Such other statements and narratives deemed appropriate in the professional judgment of the auditor.
- b+) Upon completion of the field work, the auditor must hold an exit conference with senior officials of the grantee organization.
- 1+) The grantee must contact the Department to inform it of the time and place of the exit conference, at least one week in advance of the proposed date, when possible.
- 2+) The Department will inform the grantee of any information beyond the audit proposal or final audit report will be required to be made available to the Department prior to the exit conference.
- b) 1+) A copy of the grantee independent annual audit must be submitted to the Department within thirty (30) calendar days after completion (due date established in the Audit Engagement Agreement) but no later than six (6) months after the end of the fiscal year audited.
- c) 1+) If any deficiencies or recommendations are included in the audit report, the grantee and contractor must describe indicate how it proposes to take corrective

DEPARTMENT ON AGING

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action to be taken. The Department will subsequently monitor the grantee and contractor to verify that appropriate actions are being taken to fulfill audit recommendations.

- e+) State agency actions:
- 1+) The Department shall subsequently monitor the grantee to verify that actions are being taken to fulfill audit recommendations.
- 2+) If audit findings of a grantee indicate a condition specified in Section 230.140(a) (1-4), the Department shall immediately begin suspension or termination procedures.
- f+) Grantees will have a maximum of 180 days from the date of receipt of the final audit report to resolve any audit findings and/or questioned costs. Repayment must be completed based on any negotiated settlement.
- 1+) Questioned costs will be disallowed if audit resolution does not occur within the 180 day time limitation or if documentation is inadequate to resolve questioned costs.
- 2+) If questioned costs are deemed disallowed, a disallowance of questioned costs letter will be forwarded to the audited entity by the Department requesting a return of funds for the identified disallowed costs.
- 3+) If unallowable costs are contained within the audit report, and thus disallowed, a letter will be forwarded to the audited entity by the Department requesting a return of funds for the identified unallowable costs. Unallowable costs can only be resolved by remittance of funds due.
- 4+) Failure to remit funds due for either questioned costs deemed disallowed or unallowable costs within 30 days will necessitate the Department to take appropriate action against the grantee agency (e.g., legal, administrative, withholding of funds).

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Certified Veterinary Technicians

2) Code Citation: 68 Ill. Adm. Code 1505

3) Section Numbers: Proposed Action:

- | | |
|---------|-------------|
| 1505.10 | Amendment |
| 1505.20 | Amendment |
| 1505.30 | Amendment |
| 1505.40 | Amendment |
| 1505.50 | Amendment |
| 1505.55 | New Section |
| 1505.60 | Amendment |
| 1505.70 | Amendment |

4) Statutory Authority: Implementing Sections 6 and 16 of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/6 and 115/16]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking brings the rules for licensure of veterinary technicians in line with the sunset rewrite of the Veterinary Medicine and Surgery Practice Act, which became effective January 1, 1994.

A new Section is added to the rules to describe how a licensed veterinary technician can meet continuing education (CE) requirements specified in Section 16 of the Act. Each person who applies for renewal of a license as a veterinary technician is required to complete 10 hours of CE during a prerenewal period, defined as the 24-months preceding January 1 in the year of the renewal. A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate. Approved CE programs are identified as is the method for certifying compliance and the procedures to be followed when requesting a waiver of CE requirements.

The Restoration Section is amended to include the CE requirements. It states that after January 31, 1997, a veterinary technician seeking restoration of a license shall be required to complete the CE requirements for one renewal period.

When applying to take the veterinary technician examination, an applicant will be required to furnish information concerning previous licensure in other jurisdictions, including whether the file on the applicant contains any record of disciplinary actions taken or pending. An applicant enrolled in an approved veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a veterinary technician program from which the applicant

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5) Audit resolution can take place any time within the 180 day timeframe.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 230.366 Resolution of Audit Findings

a) Grantees and contractors will have a maximum of 180 calendar days from the date of receipt of the final audit report to resolve any audit findings and/or questioned costs. Repayment of questioned costs based upon any negotiated settlement should be completed within negotiated timeframe.

b) If audit findings of a grantee and contractor indicate a condition specified in Section 230.140(a)(1-4) of this Part, the Department may immediately begin suspension or termination procedures.

(Source: Added at 18 Ill. Reg. _____, effective _____)

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is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.

The written examination for certification as a veterinary technician shall be the Veterinary Technician National Examination administered by Professional Examination Service. The passing grade on the examination shall be the passing score established by the testing entity. Prior to January 1, 1994, the passing grade on the examination was a standard score of 75.

Various style and grammar changes also were made.

6) Will these proposed amendments replace emergency amendments currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses offering veterinary services.

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B) Reporting, bookkeeping or other procedures required for compliance: Applicants who have been licensed in other jurisdictions will be required to report information about such licensure as well as a complete work history since completion of training. Sponsors of continuing education will be required to maintain attendance records for at least five years. Each veterinary technician renewal applicant will be required to certify, on a renewal application, full compliance with CE requirements.

D) Types of professional skills necessary for compliance: Skills in veterinary medicine are required for licensure.

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505
 CERTIFIED VETERINARY TECHNICIANS

Section

1505.10 Application ~~For~~ for Examination

1505.20 Examination

1505.30 Endorsement

1505.40 Restoration

1505.50 Renewals

1505.55 Continuing Education

1505.60 Permissible Functions ~~For~~ for Veterinary Technicians

1505.70 Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/1 through 115/28] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2918; amended at 18 Ill. Reg. _____, effective _____.

Section 1505.10 Application ~~For~~ for Examination

a) An applicant for a certificate as a veterinary technician shall file an application, on forms supplied by the Department of Professional Regulation (the Department), at least 60 days prior to an examination date. The application shall include:

- 1) Certification of graduation from a veterinary technician program accredited by the American Veterinary Medical Association; and
- 2) A complete work history since completion of a veterinary technician program

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3) Certification of licensure from state of original and current licensure, if applicable, stating:

A The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and

~~24~~ The required fee set forth in Section 14(2) of the Act.

b) Examination prior to graduation

1) An applicant enrolled in an approved veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a veterinary technician program from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.

2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days of the scheduled graduation date specified in subsection (1) above.

3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

b)c) Applicants who have successfully completed the animal Veterinary Technician National Examination prepared by the Professional Examination Service in another state will receive credit for that examination; if the applicant passed the examination according to the testing entity's standard, passing grade is the same or higher than that required of Illinois candidates. The examination score report must be forwarded to the Department from Interstate Reporting Service.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1505.20 Examination

- a) The written examination for certification as a veterinary technician shall be the Veterinary Technician National Examination administered by Professional Examination Service, cover the following subjects:

- 1) ~~Basic Sciences~~
- 2) ~~Animal Care and Management (Husbandry)~~
- 3) ~~Clinical Science: Small and Large Animal Patient Care~~

- b) The passing grade on the examination shall be a standard score of 75 the passing score established by the testing entity.

- c) Prior to January 1, 1994, the passing grade on the examination was a standard score of 75.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1505.30 Endorsement

- a) An applicant who is certified as a veterinary technician under the laws of another state or territory of the United States shall file an application with the Department, together with:

- 1) A certification from the licensing authority of the state or territory of original licensure stating:

- A) The time during which the applicant was licensed in that state;
- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
- C) A brief description of the examination and the grades received. If the examination is the examination prepared by the Professional Examination Service, the grades must be forwarded directly to the Department from Interstate Reporting Service and must reflect the grade received in the state of original licensure;

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- 2) Certification of licensure from the state in which the applicant is currently licensed if it is other than the state of original licensure;

- 3) A completed Certification of Education form ~~which~~ that must be signed by the dean or registrar of the school from which the applicant received his/her professional training; and

- 4) A complete work history since completion of the applicant's training;

- 5) 4) The required fee set forth in Section 14(15) of the Act.

- b) The Department shall examine each application to determine compliance with Section 13 of the Veterinary Medicine and Surgery Practice Act (the Act). The applicant may be required to appear before the Veterinary Licensing and Disciplinary Board (the Board) to clarify or explain information contained on the submitted documentation in order for the Board to determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State at the time of licensure.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1505.40 Restoration

- a) A veterinary technician seeking restoration ~~reinstatement~~ of ~~his~~ a certificate ~~which~~ that has expired for less than 5 years shall have ~~his~~ the certificate ~~reinstated~~ restored upon payment of the required fees. However, a veterinary technician seeking ~~reinstatement~~ restoration of ~~his~~ a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.

- b) A veterinary technician seeking restoration of ~~his~~ a certificate ~~which~~ that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the required fee. The veterinary technician shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

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- 2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or
- 3) An affidavit attesting to military service as provided in Section 15 of the Act; or
- 4) Evidence of other experience within the profession, other than active practice (such as research, teaching, or publishing) during the time in which ~~his~~ the certificate was expired.
- c) A veterinary technician seeking restoration of ~~his~~ a certificate ~~which~~ that has been on inactive status for less than five years shall have ~~his~~ the certificate restored upon filing an application, on forms provided by the Department, and paying the current renewal fee.

d) After January 31, 1997, a veterinary technician seeking restoration of a license shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period.

e) ~~When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of discrepancies or conflicts in information, information needing further clarification and/or missing information, the veterinary technician will be requested to:~~

- 1) ~~provide such information as may be necessary; and/or~~
- 2) ~~explain such relevance or sufficiency during an oral interview; or~~

3) ~~appear before the Board for an oral interview designed to determine the individual's current competence to practice as a veterinary technician.~~

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or

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- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1505.50 Renewals

a) Each certificate as a veterinary technician issued under the Veterinary Medicine and Surgery Practice Act shall expire on January 31 of each odd numbered year. The holder of the certificate may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

b) For the January 31, 1997, renewal and every renewal thereafter, a licensee shall be required to meet the continuing education requirements set forth in Section 1505.55.

b)c) It is the responsibility of each certified veterinary technician to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1505.55 Continuing Education

a) Continuing Education Hours Requirements

1) Each person who applies for renewal of a license as a veterinarian technician is required to complete 10 hours of continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.

2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal.

3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate.

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b) Approved CE Programs

1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:

A) An approved veterinary program, as provided in Section 1500.5 of the Veterinary Medicine and Surgery Practice Act (68 Ill. Adm. Code 1505) or a veterinary technician program;

B) The American Veterinary Medical Association or any of its constituent organizations;

C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association;

D) The American Animal Hospital Association;

E) Programs provided by, or appropriate for veterinary specialty organizations; and

F) Any other program that the Department determines to be substantially equivalent to the programs listed above.

2) CE credit may also be earned for completion of self assessment examinations in the "Veterinary Technician Journal" sponsored by Veterinary Learning Systems, or by completing any other substantially equivalent method of self-study.

3) Continuing education credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

c) Attendance records to be kept by Sponsor

1) It shall be the responsibility of a sponsor to keep accurate attendance records.

2) The sponsor shall maintain these records for not less than 5 years.

d) Certification of Compliance with CE Requirements

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1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a) above.

2) The Department may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Committee. If the Department finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness; or

C) Undue hardship.

3) If an interview is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Added at 18 Ill. Reg. _____, effective _____)

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Section 1505.60 Permissible Functions ~~For~~ for Veterinary Technicians

- a) A veterinary technician ("technician") shall provide veterinary service under the control, direction and supervision of a licensed veterinarian, who is responsible for the services performed by the technician.
- b) The duties of a technician shall not include the making of a diagnosis or prognosis, prescribing or writing prescriptions for drugs, medication or any other material for the care or treatment of any animal or performing any kind of surgery upon any animal.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1505.70 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) ~~the~~ The provision from which the variance is granted is not statutorily mandated;
 - 2) ~~no~~ No party will be injured by the granting of the variance; and
 - 3) ~~the~~ The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Veterinary Licensing and Disciplinary Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Structural Engineering Licensing Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers:
1480.140 Amendment
1480.150 Amendment
1480.190 Amendment
Proposed Action:
- 4) Statutory Authority: The Structural Engineering Licensing Act of 1989 (Ill. Rev. Stat. 1991, ch. 111, pars. 6601 through 6638) [225 ILCS 340].
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking implements Section 14 of The Structural Engineering Licensing Act of 1989, which requires structural engineers, starting with the 1996 license renewal, to submit to the Department of Professional Regulation satisfactory evidence of knowledge in seismic design.

Amendments to the Renewals Section of the rules detail four ways to meet the seismic design knowledge requirement: (1) Successful completion of the seismic design problem contained in the examination administered by the Department, (2) satisfactory completion of a Structural Engineering Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum, (3) Evidence that the licensee has taught a Board approved or professional seminar course dealing with seismic design that is part of an approved engineering curriculum or has conducted and published the results of the significant research into the problems of seismic resistance of structures or (4) Satisfactory completion of a Board approved professional seminar dealing with seismic design.

Also amended is the Examination Section. The examination administered by the Department is provided by the National Council of Examiners for Engineering and Surveying (NCEES). The examination for structural engineers is now given in four parts instead of the previous three. Proposed amendments identify the four parts, including the part containing seismic design. Scores on each part will be graded as pass or fail. Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted. However, a retabulation of the numerical score will be permitted.

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Applicants for licensure by examination will be required to file applications with the Department by November 15 for the spring examination and by May 15 for the fall examination. Currently the filing deadlines are December 15 and June 15. The dates are being moved up because NCEES has moved up the dates by which the examinations must be ordered.

- 6) Will these proposed amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no impact on local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed structural engineers.

B) Reporting, bookkeeping or other procedures required for compliance:

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Starting with the 1996 license renewal, all structural engineers must submit to the Department of Professional Regulation satisfactory evidence of knowledge in seismic design in order to renew their licenses. Applicants for licensure by examination will need to file their applications a month earlier than in the past.

- C) Types of professional skills necessary for compliance:

Structural engineering skills are necessary for licensure.

The full text of the Proposed amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480
 THE STRUCTURAL ENGINEERING LICENSING ACT OF 1989

Section	Statutory Authority (Repealed)
1480.10	Licensure (Repealed)
1480.20	Approved Education Qualifications (Repealed)
1480.30	Approved Experience Qualifications (Repealed)
1480.40	Renewals (Renumbered)
1480.45	Restoration of Expired Certificate (Repealed)
1480.50	Granting Variances (Renumbered)
1480.60	Approved Structural Engineering Curriculum
1480.110	Definition of Degree in Related Science
1480.120	Approved Experience
1480.130	Application for Licensure by Examination
1480.140	Examination
1480.150	Restoration
1480.160	Endorsement
1480.170	Inactive Status
1480.180	Renewals
1480.190	Corporations and Partnerships
1480.200	Standards of Professional Conduct
1480.210	Granting Variances
1480.220	

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 (Ill. Rev. Stat. 1991, ch. 111, pars. 6601 through 6638) [225 ILCS 340] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days,

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amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 18 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____

Section 1480.140 Application for Licensure by Examination

An applicant for licensure by examination shall file an application, on forms provided by the Department, by November 15 ~~December 15~~ for the spring examination, or by May 15 ~~June 15~~ for the fall examination. The application shall include the following:

- a) Verification of experience indicating the approved experience as set forth in Section 1480.130 of this Part;
- b) Certification of education of one of the following:
 - 1) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Completed college certification form showing receipt of a bachelor of science degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and completed experience certification form(s) indicating the required 4 years of approved experience, except as provided in subsection (c), below; or
 - 2) A degree in a related science as set forth in Section 1480.120. Completed college certification form showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and completed experience certification form(s), indicating the required 8 years of approved experience.
- c) If such applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the following:
 - 1) The date of issuance of the applicant's license and the current status of such license;
 - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and

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- 3) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.
- d) A complete work history, on forms provided by the Department, indicating all employment since receipt of a baccalaureate degree; and
- e) The required fee specified in Section 17 of the Act.

(Source: Amended at at 18 Ill. Reg. _____, effective _____)

Section 1480.150 Examination

- a) The examination for licensure as a structural engineer shall be divided into 4 ~~three parts, each part being 8 hours in duration.~~

- 1) Fundamentals of Engineering. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.

- 2) ~~Part I of the~~ Structural ~~Structures~~ I Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.

- 3) ~~Part II of the~~ Structural ~~Structures~~ II AM Examination. This examination shall be 4 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering. Such problems may include, but not be limited to bridges, buildings, foundations and lateral forces.

- 4) Structural II PM Examination. This examination shall be 4 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering and shall include seismic content. ~~All applicants shall be required to successfully complete the solution of the specified seismic design problem contained in Part II of the structures examination.~~

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- b) The examination administered by the Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.
- c) The scoring of the examinations and determination of scores shall be as approved by NCEES.
- d) Separate scores shall be given for the Fundamentals of Engineering, ~~Part Structural I, Structural II AM and Part Structural II PM. The passing score on the Fundamentals of Engineering shall be 70. Part I and Part II All scores shall be graded as pass/ or fail.~~ Once an applicant fails a Part(s) of the examination, that Part(s) shall not be waived.
- e) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.

~~f) Retake of Examination.~~

- 1) Applicants shall be required to retake only the Part(s) on which a passing score was not achieved.
- 2) If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 10 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided for in subsection (f).

~~g) Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes the most~~

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recent score on a Part(s) shall be the score of record. In no circumstances shall the Department accept a previous passing score on a Part(s) for an applicant whose score of record is a failing score.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1480.190 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 17 of the Act. Starting with the 1996 renewal, all licensees must submit satisfactory evidence of knowledge in seismic design in order to renew their licenses.

- 1) The seismic design requirement can be satisfied by any one of the following:

- A) Successful completion of the seismic design problem contained in Structural II PM of the NCEES Structural Examination after April 1991. Evidence of successful completion shall be submitted by the licensee. Evidence may be a copy of the licensee's pass notice;
- B) Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval. Evidence of completion shall be a college transcript;
- C) Evidence that the licensee has taught a Board approved or professional seminar course dealing with seismic design that is part of an approved engineering curriculum or has conducted and published the results of the significant research into the problems of seismic resistance of structures; or
- D) Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6 continuing education units or 1 semester hour of university credit) of lectures. Evidence of completion of the 1.6 continuing

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education units or 1 semester hour of university credit shall be by means of a valid certificate(s) of completion or transcript from the university signed by the provider of the seminar. Audited courses are not acceptable.

- 2) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsection (a)(1), (B), (C) and (D) above:

- A) Affects of earthquakes on buildings or bridges;
- B) Structural standards and specifications for buildings or bridges;
- C) Concepts in structural dynamics;
- D) Seismic loading including seismicity;
- E) Seismic response analysis; and
- F) Seismic design concepts including concrete, steel, foundations and other structural materials.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee and submitting a current listing of structural engineers licensed in Illinois that are employed by the firm.
- d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Veterinary Medicine and Surgery Practice Act

2) Code Citation: 68 Ill. Adm. Code 1500

3) Section Numbers:

Proposed Action:

1500.5 Amendment
1500.10 Amendment
1500.11 Amendment
1500.15 Amendment
1500.20 Amendment
1500.25 Amendment
1500.30 Amendment
1500.35 Amendment
1500.50 Amendment
1500.55 Amendment
1500.60 Repeal
1500.70 Amendment

4) Statutory Authority: Implementing and authorized by Section 6 of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/6].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking brings the rules for licensure of veterinarians in line with the sunset rewrite of the Veterinary Medicine and Surgery Practice Act, which became effective January 1, 1994.

Applicants for licensure in Illinois will be required to submit certification of licensure from the jurisdiction of original and current licensure, if applicable, including a description of the licensure examination in that jurisdiction and whether the file on the applicant contains any record of disciplinary actions taken or pending.

The passing score on examinations for licensure shall be the passing score established by the testing entity. Prior to January 1994, the passing score was a total converted score of 75, based on 1.5 standard deviations below the mean.

An applicant for licensure in Illinois by endorsement shall be required to submit to the Department of Professional Regulation a complete work history indicating all employment since graduation from an approved veterinary program to the time of application. Such applicants also will be required to submit certification of successful completion of at least 2 years of preveterinary collegiate training and graduation from an approved program of veterinary medicine and surgery.

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A Section pertaining to the conduct of hearings was repealed because that information is now contained in the Act.

Other changes involve style and grammar and the updating of various citations.

6) Will these proposed amendments replace emergency amendments currently in effect?

No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses offering veterinary services.

B) Reporting, bookkeeping or other procedures required for compliance: Applicants who have been licensed in other jurisdictions will be required to report

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information about such licensure. Reporting of complete work histories also will be required of applicants. Those seeking licensure by endorsement from other jurisdictions will need to submit certification of successful completion of at least 2 years of preveterinary collegiate training and graduation from an approved program in veterinary medicine and surgery.

- D) Types of professional skills necessary for compliance: Skills in veterinary medicine and surgery are necessary for licensure.

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section
1500.5
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Approved Veterinary Medicine and Surgery Programs
Application for Examination by Graduates of Approved Programs
Application by Graduates of Unapproved Programs
Temporary Permit
Examination
Continuing Education
Endorsement
~~Reinstatement~~/Restoration
Renewals
Standards of Professional Conduct
Advertising
Conduct of Hearings (~~Repealed~~)
Annual Report of Board
Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/1 through 115/28] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part Repealed, New Part Adopted at 9 Ill. Reg. 16327, effective October 10, 1985; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. _____, effective _____.

Section 1500.5 Approved Veterinary Medicine and Surgery Programs

- a) Approved Veterinary Medicine and Surgery Programs

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1) The Department of Professional Regulation (the Department) shall approve a veterinary medicine and surgery program as reputable and in good standing if it meets the following minimum criteria:

- A) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Veterinary Medicine degree or its equivalent.
- B) Has a faculty which consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area(s) of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.

C) Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals:

Anatomy
Anesthesiology
Applied Clinical Training
Chemistry
Federal and State Laws
General and Special Pathology
Internal Medicine
Meat and Milk Hygiene
Microbiology
Parasitology
Pharmacology
Physiology
Preventive Medicine
Professional Ethics
Radiology
Surgery and Obstetrics

D) Accepts only persons who have graduated from ~~an~~ accredited high school schools or who have obtained equivalent education through such programs as the General Education Development Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited college or

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university.

- E) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - F) Maintains or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and variety of surgical and medical cases for the students' clinical instruction.
- 2) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation or approval by the American Veterinary Medical Association.

3) The Department has determined that all veterinary medicine and surgery programs accredited or approved by the American Veterinary Medical Association (AVMA) as of August 1, ~~1984~~ 1993, meet the minimum criteria set forth in subsection (a)(1); above and are, therefore, approved.

b) Withdrawal of Approval

1) The Director may withdraw, suspend or place on probation the approval of a veterinary medicine and surgery program when the quality of the program has been materially affected by any of the following causes:

A) Gross or repeated violations of any provision of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/1 through 115/28] (the Act);

B) Gross or repeated violations of any portion of this Part;

C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or

D) Failure to continue to meet the criteria of an approved program as set out in this Section.

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- 2) The officials in charge of a veterinary medicine and surgery program whose approval is being reconsidered by the Department shall be given written notice prior to action by the Department and such officials may either submit written comments or request a hearing before the ~~Committee~~ Veterinarian Licensing and Disciplinary Board (the Board).
- c) Program Evaluation
- 1) An applicant from a program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.
 - 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Department will evaluate the program based on all documentation forwarded from the school and any additional information the Department has received ~~which~~ that it deems to be reliable.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.10 Application for Examination by Graduates of Approved Programs

- a) An applicant for examination for licensure to practice veterinary medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery ~~which~~ that meets the requirements set forth in Section 1500.5 shall file an application with the Department or its designated testing service on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

- 1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;
- 2) Certification of successful completion of at least 2 years of pre-veterinary collegiate training, and graduation from an approved program of veterinary medicine and surgery; ~~and~~
- 3) The required fee specified in Section 14 of the ~~Veterinary Medicine and Surgery Practice Act (411. Rev. Stat. 1987, ch. 111, par. 7001 et seq.)~~ and

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- 4) Certification of licensure from the jurisdiction of original and current licensure, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.

b) Examination prior to graduation

- 1) An applicant enrolled in an approved veterinary program will be admitted to the May or December examination prior to graduation if he/she provides certification from the college of veterinary medicine ~~that he~~ from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.
- 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days of the scheduled graduation date specified in subsection (1) above.
- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.11 Application by Graduates of Unapproved Programs

- a) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:

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- 1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application
- 4)2) An original certificate from the ECFVG.
- 4)3) The required fee specified in Section 14 of the Act.
- 4) Certification of licensure from the jurisdiction of original and current licensure, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
- B) A description of the licensure examination in that jurisdiction;
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 4)5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.

- b) Scores obtained by ECFVG candidates taking the National Board Examination (NBE) and the Clinical Competency Test (CCT) will be registered with the Interstate Reporting Service in New York. At such time as a foreign graduate obtains the ECFVG certificate and applies for licensure in Illinois the scores shall be sent to the Department from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. ~~will be converted to the Illinois passing standard which is a total~~ Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean. ~~If the applicant does not achieve a passing converted score at the Illinois standard he/she will be required to take and pass, at the Illinois standard, the examination(s) on which a passing score was not achieved.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.15 Temporary Permit

A person who desires to obtain a temporary permit and who qualifies under Section 11 of the Act shall submit a written request with his the application to the Department or its

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designated testing service and a statement of employment completed by the supervising licensed veterinarian on forms supplied by the Department or its designated testing service. A temporary permit is nonrenewable.

- a) For an applicant for original licensure, the temporary permit shall be valid from the date he/she takes the examination until the results of that examination are reported.
- b) For a person who is a licensed veterinarian in another jurisdiction and who has applied for licensure on the basis of endorsement, the temporary permit shall be valid for 6 months or until the withdrawal or denial of the application, whichever occurs first.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.20 Examination

- a) The examinations for licensure shall be the National Board Examination of the National Board of Veterinary Medicine Examiners (NBE) and the Clinical Competency Test (CCT), which shall be as follows:

- 1) National Board Examination
- A) Pre-Clinical (anatomy; physiology; disease processes; etiologic agents; pharmacology; toxicology; immunology)
- B) Clinical (diagnostics; therapeutics; medicine; surgery; animal production)
- C) Other (public health; preventive medicine; jurisprudence)
- 2) Clinical Competency Test (large animal medicine; state and federal animal regulation; pathology; parasitology; dermatology; small animal medicine; surgery)

- b) The passing score for each examination shall be the passing score established by the testing entity. Prior to January 1994, the passing score on the examination was a total converted score of 75 based on 1.5 standard deviations below the mean.

e) ~~An applicant shall be required to retake only the examination(s) on which a~~

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~~total converted score of 75 was not received;~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.25 Continuing Education

a) Continuing Education Hours Requirements

- 1) Each person who applies for renewal of a license as a veterinarian is required to complete 20 hours of continuing education (CE) relevant to the practice of veterinary medicine and surgery during the prerenewal period.
- 2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal. ~~For the January 31, 1993, renewal, the Department shall accept continuing education credit for those courses completed during the period of December 1, 1990, to December 31, 1992. Thereafter, continuing education shall be completed during the prerenewal period.~~
- 3) A renewal applicant is not required to comply with ~~Continuing Education (CE)~~ requirements for the first renewal.

b) Approved CE Programs

- 1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:
 - A) An approved veterinary program, as provided in Section 1500.5;
 - B) The American Veterinary Medical Association or any of its constituent organizations;
 - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association;
 - D) The American Animal Hospital Association;
 - E) Programs provided by, or appropriate for veterinary specialty organizations; and

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F) Any other program that the Department determines to be substantially equivalent to the programs listed above.

2) CE credit may also be earned for completion of self assessment examinations in "Compendium for Practicing Veterinarians," sponsored by Veterinary Learning Systems, or by completing any other substantially equivalent method of self-study.

3) Continuing education credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

c) Attendance records to be kept by Sponsor

1) It shall be the responsibility of a sponsor to keep accurate attendance records.

2) The sponsor shall maintain these records for not less than 5 years.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a); above.

2) The Department may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Committee. If the Department finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that

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time, the renewal applicant will be requested to submit the required renewal fee.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) ~~Full~~ time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) ~~a~~An incapacitating illness; or
 - C) ~~an~~Undue hardship.
- 3) If an interview is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.30 Endorsement

- a) An applicant who is licensed under the laws of another state or territory of the United States shall file an application with the Department, together with:

- 1) A certification from the licensing authority of the state or territory of original licensure, stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - C) A brief description of the examination and the grades received; ~~and~~
- 2) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;
- 3) Certification of successful completion of at least 2 years of

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preveterinary collegiate training and graduation from an approved program of veterinary medicine and surgery; and

- 24) The required fee.
- b) The Department shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board ~~Veterinary Examining Committee~~.
- 1) To clarify or explain information contained on the submitted documentation; or
- 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1500.35 ~~Reinstatement~~/Restoration

- a) A licensee seeking ~~reinstatement~~ restoration of a license ~~which~~ that has been expired for less than 5 years shall have the license ~~reinstated~~ restored payment of \$10 plus all lapsed renewal fees as specified in Section 14 of the Act and proof of completion of the continuing education requirements set forth in Section 1500.25 for a single renewal period. ~~However, a licensee seeking reinstatement of a license within 2 years after termination of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.~~
- b) A licensee seeking restoration of a license ~~which~~ that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee specified in Section 14 of the Act. The licensee shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or

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3) Evidence of other experience within the profession, other than active practice (such as research, teaching, or publishing) during the time which his/her license was expired, and proof of completion of the continuing education requirements for a single renewal period.

c) A licensee seeking restoration of a license ~~which~~ that has been on inactive status for less than 5 years shall file an application, on forms provided by the Department, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.

~~d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee will be requested to:~~

~~1) provide such information as may be necessary; and/or~~

~~2) explain such relevance or sufficiency during an oral interview; or~~

~~3) appear before the Board for an oral interview designed to determine the individual's current competence to practice veterinary medicine and surgery.~~

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 18 Ill. Reg. _____ effective _____)

Section 1500.50 Standards of Professional Conduct

a) In determining what constitutes dishonorable, unethical or unprofessional

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conduct of a character likely to deceive, defraud or harm the public, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. Such standards shall include, but not be limited to:

1) Being convicted of any crime, an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;

2) Wilfully violating or knowingly assisting in the violation of any law relating to the use or dispensing of any medicine or drug as specified in Section 17 of the Act;

3) Wilfully administering or prescribing illegal drugs for animals. ~~For the purposes of this Section, illegal drugs means drugs which are not approved by the Food and Drug Administration for any use.~~

4) Wilfully administering or prescribing prescription drugs illegally. Illegally means:

A) ~~in~~ violation of the rules governing a competition or exhibition of animals, including but not limited to the rules of the Illinois Racing Board (11 Ill. Adm. Code 509), the American Kennel Club, and the American Show Horse Association;

B) ~~e~~Contrary to state or federal law with regard to food producing animals.

5) Wilfully preparing or signing false statements in order to induce payment for medical or ancillary services by insurance companies;

6) Wilfully making or causing to be made any false report to the Department of Professional Regulation regarding compliance with continuing education requirements;

7) Wilfully omitting to make or file any report or record or wilfully making or filing or causing to be made or filed any false report or record pertaining to a veterinarian's practice as required by any state agency;

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- 8) Failing to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
- 9) Delegating of patient care responsibility to any individual when veterinarian has reason to believe that the person may not be competent;
- 10) Misrepresenting as to educational background, training, credentials, competence, or veterinary medical staff memberships;
- 11) Failing to properly supervise subordinate health professional and paraprofessional staff under his/her supervision and control in patient care responsibilities; or
- 12) Committing of any other act or omission ~~which~~ that violates veterinarian's responsibility to a client according to accepted veterinary standards of practice.

b) In determining what constitutes gross malpractice resulting in serious injury or death of a patient, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:

- 1) A consideration whether the act or acts of the person are of a flagrant or glaringly obvious nature, or are repetitiously committed and resulted in a breach of the veterinary standards of practice;
- 2) A consideration that said act or acts committed constituted a breach of veterinary standards of practice to possess and apply the knowledge and use the skill and care in treating a condition that ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
- 3) A consideration that said act or acts committed, if committed by a person who holds himself/herself out as a specialist and undertakes service in a particular branch of medical, surgical, or other healing service, must possess and apply the knowledge and use the skill and care which reasonably competent specialists in the same field,

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practicing in the same locality, or in similar localities, ordinarily would use in the same or similar cases and circumstances;

- 4) A consideration that a mere mistake which is not indicative of a lack of knowledge, skill and care does not constitute malpractice. Nor is a bad or unexpected result evidence of malpractice unless such a result would not ordinarily occur in the absence of malpractice.

(Source: Amended at 18 Ill. Reg. _____ effective _____)

Section 1500.55 Advertising

- a) Persons licensed to practice veterinary medicine and surgery in the State of Illinois may advertise in any medium or other form of public communication in a manner ~~which~~ that is truthful; and ~~which~~ is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. ~~Such~~ Advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of ~~such~~ communication shall be designed to communicate the information ~~contained therein~~ to the public in a direct, dignified and readily ~~comprehensible~~ comprehensible manner.

b) Information ~~which~~ that may be contained in such advertising shall include:

- 1) Registrant's name, address, office hours, and telephone number;
- 2) Schools attended;
- 3) Announcement of the opening of, change of, or return to practice;
- 4) Announcement of additions to or deletions from professional staff;
- 5) Registrant's hospital affiliation(s);
- 6) Areas of specialization; including Board certification, professional society memberships and any limitations or concentration of practice;
- 7) Credit arrangements and acceptance of credit cards;
- 8) Foreign language ability;

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- 9) Usual and customary fees for routine professional services which must include statement that fees may be adjusted due to complications or unforeseen circumstances;
 - 10) Description of offices in which registrant practices; (e.g., kennel or laboratory facilities on the premises, convenience of parking); and,
 - 11) Other information about the registrant, the registrant's practice, or the types of practice in which the registrant will accept employment, ~~which~~ that a reasonable person might regard as relevant in determining whether to seek the registrant's services.
- c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the registrant, and a recording of the actual transmission, including videotape, shall be retained by the registrant for a period of at least five (5) years.
- d) Information ~~which~~ that may be untruthful, fraudulent, deceptive, inherently misleading, or ~~which~~ has proven to be misleading in practice includes that which:
- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
 - 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
 - 3) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
 - 4) Contains testimonials and/or exaggerations pertaining to the quality of veterinarian care;
 - 5) Describes as available products or services ~~which~~ that are not permitted by the laws of this State and/or applicable Federal laws; and,
 - 6) Advertises professional services ~~which~~ that the registrant is not licensed to render.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 1500.60 Conduct of Hearings (Repealed)

Any hearing conducted by the Department pursuant to Section 25 of the Act shall be conducted in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110) which are incorporated herein by reference.
Section 1500.65 Annual Report of Board

Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1500.70 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) ~~¶~~The provision from which the variance is granted is not statutorily mandated;
- 2) ~~¶~~No party will be injured by the granting of the variance; and
- 3) ~~¶~~The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the Veterinary Licensing and Disciplinary Board ~~Examining Committee~~ of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment2) Code Citation: 89 Ill. Adm. Code 1403) Section Numbers: Proposed Action:

140.24 Amendment
140.27 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/Art. 12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments allow a provider of medical services under the Healthy Kids Program to assign payments from the Department to a school district when a contractual arrangement exists with the district for the provision of such services. Under the Healthy Kids Program, school districts can enter into agreements with any of several types of medical services entities, including local public health departments, individual practitioners, and a variety of medical clinic settings. The Healthy Kids Program services are delivered in coordination with the school environment, assuring the Program of reaching a significant number of children in the eligible population.

The proposed changes to Section 140.24 specify that payments for services rendered by medical providers can be mailed to an address of the provider's designated alternate payee if the conditions in subsection (c) addressing alternate payee situations are met, or when an arrangement described in Section 140.27 exists. Proposed changes to Section 140.27 state that a medical vendor providing Healthy Kids Program services may assign its interest in payment to a local school district with which the provider has an arrangement to provide such services.

These proposed amendments will not result in any additional expenditures by the Department.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.440	Amendment	March 25, 1994 (18 Ill. Reg. 4597)

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Sections	Proposed Action	Illinois Register Citation
140.442	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.443	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.530	Amendment	March 18, 1994 (18 Ill. Reg. 4077)
140.865	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.870	Amendment	March 25, 1994 (18 Ill. Reg. 4597)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 1, 1994

B) Types of small businesses affected: Medical vendors and local school districts

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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- Section
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140.8
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140.10
- Incorporation By Reference
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Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under GA
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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Definitions
Denial of Application to Participate in the Medical Assistance Program
Recovery of Money
Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
Effect of Termination on Individuals Associated with Vendor
Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
Submittal of Claims

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Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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Payment Procedures
Overpayment or Underpayment of Claims
Payment to Factors Prohibited
Assignment of Vendor Payments
Record Requirements for Medical Providers
Audits
Emergency Services Audits
Prohibition on Participation, and Special Permission for Participation
Publication of List of Terminated, Suspended or Barred Entities
False Reporting and Other Fraudulent Activities
Prior Approval for Medical Services or Items
Prior Approval in Cases of Emergency
Limitation on Prior Approval
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Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
Drug Manual (Recodified)
Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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Long Term Care Provider Fund
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Hospital Services Trust Fund
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Special Requirements (Recodified)
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Hospital Services Not Covered (Recodified)
Limitation On Hospital Services (Recodified)
Transplants (Recodified)
Heart Transplants (Recodified)
Liver Transplants (Recodified)
Bone Marrow Transplants (Recodified)
Disproportionate Share Hospital Adjustments (Recodified)
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Hospital Outpatient and Clinic Services (Recodified)
Payment for Hospital Services During Fiscal Year 1982 (Recodified)
Payment for Hospital Services After June 30, 1982 (Repealed)

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140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
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140.364	Prepayment Review (Recodified)
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140.370	Rate Calculation (Recodified)
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140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
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140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
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140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists

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 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7 and 5/12-13]

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677,

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effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a

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maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.210; amended at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6957, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6,

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1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004,

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effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. _____, effective April 1, 1994; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller. Payments for services rendered by medical providers will be mailed to:

- 1) The provider's service address; *i* or
- 2) The provider's (individual practitioner/sole proprietorship) residence; *i* or
- 3) The provider's designated alternate address; *i* or
- 4) The address of the provider's designated alternate payee pursuant to subsection (c); *or*
- 5) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).

b) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business address of the corporate or partnership owner. The Department's approval of this type of request will be given only if the owner(s) has a minimum of four facilities which are located within Illinois and which are enrolled with the Department. After approval is given the warrant will be issued in the name of the facility but sent to the business address of the corporate or partnership owner rather than the facility.

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Section 140.24 (continued)

c) The Department shall permit individual practitioners to designate an alternate payee if one of the following conditions is met:

- 1) The medical practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school.
- 2) The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.
- 3) The medical practitioner is employed by a practitioner who requires, as a condition of employment, that the fees be turned over to the employer.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 140.27 Assignment of Vendor Payments

a) Except as provided in subsections (b) and (e) below, this Section, vendor payments and the right to receive such payments are absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

b) A medical vendor may use his right to receive vendor payments as collateral for loans from banks, credit unions, and savings and loan associations chartered under or trust companies issued certificates of authority under Chapter 205 of the Illinois Compiled Statutes. ~~17 of the Illinois Revised Statutes~~, provided that such arrangements:

- 1) shall not require the Department to issue the payment directly to any person or entity other than the vendor; and
- 2) shall not constitute any activities prohibited by the provisions of 42 U.S.C.A. 1396(a)(32) (1983) and Section 140.26 ("Payment to Factors Prohibited").

c) A medical vendor or other vendor or service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payment or money payments of grants he/she has a right to receive to the Illinois Health Facilities Authority in connection with any financing program undertaken by such Authority, or to an agent or trustee accepting, accomplishing, effectuating or realizing upon any such assignment, reassignment, sale, pledge or grant on such Authority's behalf; and such arrangements may provide that the Department shall issue the payment directly to the Illinois

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NOTICE OF PROPOSED AMENDMENTS

Section 140.27(c) (continued)

Health Facilities Authority or to any such agent or trustee.

- d) A medical vendor who provides Healthy Kids Program services under Section 140.485(d) may assign its interest in payment from the Department to a local school district with which the provider has an arrangement to provide such services. Under such assignment, with Department approval, payment will be made directly to the school district.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 509
- 3) Section Numbers: 509.300 Proposed Action: New Section
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking establishes random pre-race saliva tests for all horses entered to race. This rulemaking also establishes penalties for positive tests received during the pre-race tests.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? An emergency amendment on Section 509.300 is currently in effect. An amendment to 509.95 and a repeal of 509.220 have been submitted to JCAR for second notice. The amendment to 509.95 and the repeal of 509.220 were published at 18 Ill. Reg. 2832, February 25, 1994.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 3/31/94
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment is the same as that of the emergency amendment on page _____.

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- 1) Heading of Part: Aviation Safety
2) Code Citation: 92 Ill. Adm. Code 14

3) Section Numbers:

14.902	
14.905	14.998
14.910	14.960
14.920	14.965
14.925	14.970
14.930	14.975
14.940	14.980
14.945	14.985
14.950	14.990
14.955	14.995
	14.997
	14.999

Proposed Action:

New Section
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Repeal

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 15 1/2, pars. 22.28, 22.42(3), and 22.47 [620 ILCS 5/28, 42 (3) and 47]

5) A complete description of the subjects and issues involved:

By this Notice of Proposed Amendments, the Department proposes changes to "Aviation Safety" which will cause the Division of Aeronautics's hearing procedures pertaining to non-contested cases to be less time- and money-consuming. As a result of these proposed amendments, Department operations will be streamlined while due process rights of interested and affected citizens will remain protected.

Following is a summary of the substantive changes proposed by this rulemaking.

By adding a new Section 14.902, the Department clarifies that these procedures pertain to non-contested cases only. The Department is also establishing that the purpose of this Part is to guide the Division of Aeronautics and not to create a set of stumbling blocks and loopholes that can impede the decision-making process.

New Subsection 14.920(b) makes the procedure for the request of copies consistent with the Freedom of Information Act.

New Section 14.995(a) provides for the appointment of an administrative law judge ("ALJ") and requires an ALJ to act consistent with the policies of the Division of Aeronautics.

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Subsection 14.997(j) saves the Division money and time by allowing hearings to be tape recorded instead of requiring a court reporter to prepare a transcript.

Section 14.999 is repealed because it is incorrect. Appeals from orders entered pursuant to this Part cannot be judicially reviewed through the Administrative Review Law because the statute has not been incorporated by reference in the Illinois Aeronautics Act. Accordingly, judicial review is available only through common law certiorari.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Units of local government will not be affected by this rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. George Tinkham, Assistant Chief Counsel
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Springfield, Illinois 62707
(217) 785-4281

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation, Room 300
Springfield, Illinois 62764
Phone (217) 782-3215

Comments received within forty five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

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NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

This rulemaking does not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 14
AVIATION SAFETY

SUBPART A: INTRODUCTION

Section
14.10 Definitions

SUBPART B: AIRCRAFT REGISTRATION

Section
14.210
14.220
14.230
14.240

Annual Registration of Aircraft Required
Time and Manner of Registration
Exhibition of Federal Aircraft Certificates and Certificate of
Registration thereof
Exceptions to Registration Requirements

SUBPART C: PILOT REGISTRATION

Section
14.310
14.320
14.330
14.340

Annual Registration of Pilots Required
Time and Manner of Registration
Exhibition of Federal Pilot Certificates and Certificate of
Registration thereof
Exceptions to Registration Requirements

SUBPART D: AIR SAFETY

Section
14.410
14.420
14.430
14.440
14.450
14.460
14.470
14.480

Responsibility and Authority of Pilot
Use of Liquor, Narcotics and Drugs
Dropping Object from Aircraft
Acrobatic Flight
Transportation of Explosives and Other Dangerous Articles
Spraying, Dusting, Seeding, Etc.
Public Fly-In Events-Prevention of Accidents Due to Overcrowding of
Landing Areas
Applicability

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SUBPART E: REPORTING OF ACCIDENTS UNDER AIRCRAFT
FINANCIAL RESPONSIBILITY LAW

Section	
14.510	Duty of Owner to Request
14.520	Deposit of Security - When Required
14.530	Exceptions to Requirements for Posting of Security
14.540	Reduction in Security
14.550	Custody and Disposition of Security
14.560	Penalties
14.570	Self-Insurers
14.580	Fleet Policy
14.585	Duration of Suspension
14.590	Return of Security
14.595	Multiple Owners
14.597	Exceptions

SUBPART F: AIRPORTS

Section	
14.610	Operation Without Certificate of Approval Unlawful
14.620	Application for Certificate of Approval
14.635	Airport Classification
14.630	Application for Transfer of Certificate of Approval
14.640	Alteration or Extension of an Existing Airport Unlawful Without
	Certificates of Approval
14.650	Standards for Issuing Certificate of Approval
14.655	Location
14.660	Design and Layout
14.665	Obstructions
14.670	Airport Marking
14.675	Facilities
14.680	Airports for Non-Conventional Aircraft
14.685	Responsibility of Certificate Holder
14.690	Posting of Rules
14.695	Waivers

SUBPART G: RESTRICTED LANDING AREAS

Section	
14.710	Operation Without Certificate of Approval Unlawful
14.720	Application for Certificate of Approval
14.730	Transfer of Certificates
14.740	Alteration or Extension of an Existing Restricted Landing Area
	Unlawful Without Certificate of Approval

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Section	
14.750	Standards for Issuing Certificates of Approval
14.760	Location
14.765	Landing Area
14.770	Responsibility of Certificate Holder
14.775	Restrictions on Use
14.780	Exceptions
14.785	Illinois Aeronautical Chart
14.790	Restricted Landing Area - Heliport
14.792	Restricted Landing Area - Heliport Approach Zones
14.795	Subchapter g to Apply to Restricted Landing Area - Heliports
14.797	Restricted Landing Area - Balloon Ports
14.799	Waivers

SUBPART H: SPECIAL PURPOSE AIRCRAFT

Section	
14.810	Operation Without Certificate of Registration Unlawful
14.820	Special Purpose Aircraft Designation
14.830	Registration
14.840	Exemption from Registration
14.850	Compliance with Aircraft Registration
14.860	Principal Base of Operations
14.865	Liability
14.870	Prohibitions on Use
14.875	Proximity
14.880	Glider-Sailplane Operations
14.885	Balloon Flight and Operations
12.890	Saving Clause

SUBPART I: PRACTICE AND PROCEDURE

Section	
14.902	Purpose and Applicability
14.905	Filing of Documents
14.910	Formal Specifications
14.915	Reproduction of Documents
14.920	Number of Copies
14.925	Verification of Documents
14.930	Cover Page Identity of Filer
14.935	Informal Documents
14.940	Amendment of Documents
14.945	Responsive Documents
14.950	Service of Documents
14.955	Appearances
14.960	Informal Participation in Hearing Cases
14.965	Formal Participations

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14.970 Computation of Time
14.975 Extensions of Time
14.980 Motions
14.985 Answers to Motions
14.990 Subpoenas
14.995 ~~Hearings-Referee-~~ Administrative Law Judge ("ALJ")
14.997 Hearings
14.998 Petition for Rehearing
14.999 Judicial Review. (Repealed)

APPENDIX A Closed Airport and Closed Runway Marker
APPENDIX B Mono-Directional Airport Minimum Standards
APPENDIX C Approach Zones for Heliports Including Glide and Transition Slopes
APPENDIX D Restricted Landing Area Farming and Obstruction Standards Plat
TABLE A Visual Flight Rules
TABLE B Airport Physical Standards
TABLE C Heliport Physical Standards
TABLE D Airport Classification Standards

AUTHORITY: Implementing and authorized by Sections 28, 42 (3), and 47 of the Illinois Aeronautics Act (Ill. Rev. Stat. 198391, ch. 15 1/2, pars. 22.28; 22.42(3); and 22.47.) [620 ILCS 5/28, 42(3) and 47]

SOURCE: Filed December 28, 1977; codified at 8 Ill. Reg. 19592; amended at 9 Ill. Reg. 4141, effective March 13, 1985; amended at 9 Ill. Reg. 20914, effective December 12, 1985; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART I: PRACTICE AND PROCEDURE

Section 14.902 Purpose and Applicability

a) This Subpart serves as a guideline for the conduct of proceedings before the Division of Aeronautics. Because the Division functions under several statutes and because the procedural requirements of those statutes are not always consistent, this Subpart must be flexible and must vest significant discretion in how a proceeding is to be conducted in the Director of Aeronautics or the Administrative Law Judge ("ALJ") assigned.

b) This Part applies only to non-contested cases such as hearings relating to the promulgation of airport hazard zoning regulations and the issuance (cf., involuntary revocation) of certificates for airports and restricted landing areas. Hearings for a "contested

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case," as that term is defined in the Illinois Administrative Procedure Act (IAPA) (5 ILCS 100/1-30), will be conducted in accordance with applicable requirements of the IAPA, of regulations of the Illinois Department of Transportation, and with the procedures established by the Illinois Aeronautics Act (620 ILCS 5).

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 14.905 Filing of Documents

Documents required to be filed with the Illinois Department of Transportation, Division of Aeronautics, Illinois Department of Transportation, shall be filed with the Director of the Division unless an administrative law judge ("ALJ") is involved. If an ALJ is involved, all materials shall be filed with the ALJ. Such documents shall be deemed filed when they are actually received by the Division and accompanied by the filing fee, if one is required.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.910 Formal Specifications

All documents filed with the Division shall be typewritten or printed. Type-written documents shall be on strong, durable paper not larger than 8 1/2 by 11 1/4 inches, except that tables, maps, and other documents may be larger if necessary and if folded to the size of the document to which they are attached. Text shall be double-spaced except for footnotes and long quotations, which may be single-spaced. Type ~~not~~ smaller than elite shall not be used. The left margin shall not be less than 1 1/2 inches and all other margins at least one inch. If the document is bound, it shall be bound on the left side.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.920 Number of Copies

a) Unless otherwise specified, an executed original and one (1) true copy of each document shall be filed with the Director. ~~The copies need not be signed but shall contain the name of the person who signs the original.~~ Copies of signed documents shall show the date and signature(s) appearing on the original.

b) Copies of the Department's records may be obtained, upon written request, and payment of the actual costs of copying, pursuant to the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 14.925 Verification of Documents

Unless otherwise required by applicable rules or regulations, every document in the nature of a pleading, including motions and answers thereto but excepting briefs and assignments of error, shall be dated, signed and verified, and every verification shall set forth that the person verifying the document has read and is familiar with the contents thereof and the attached exhibits, if any, that he intends and desires that in granting or denying the relief requested, the Department shall place full and complete reliance upon the accuracy of each and every statement therein contained; that he is familiar with the facts therein set forth, that every statement contained in the document is true, except for any statement therein set forth on information and belief, and that as to any such statement therein set forth on information and belief, he believes such statement to be true; and that no such statement is misleading substantially in the following form:

VERIFICATION

I have read and am familiar with the contents of the foregoing document and the attached exhibits, if any. I intend and desire that in granting or denying the relief requested, the Department shall place full and complete reliance upon the accuracy of each and every statement made in that document. I have diligently attempted to ascertain the truth of all such statements. Every statement contained in this document is true and not misleading, to the best of my knowledge and belief.

DATE: _____

SIGNATURE _____

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.930 Cover Page Identity of Filer

All documents shall identify filed by any person shall state the name, telephone number, and post office address of the person filing the document or persons who may be served with any documents filed in the proceeding.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.940 Amendment of Documents

- a) A pleading may be amended prior to the filing of a responsive pleading, or if no reply is filed, prior to the publishing either of a notice of its designation for hearing on the subject matter of the pleading or of the order. Thereafter, amendments may be made only

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with leave of the Director or ALJ Hearings Referee.

- b) All amendments shall be consecutively numbered, commencing with Amendment No. 1, and shall clearly identify the document being amended.
- c) If properly amended, a document shall be made effective as of the time it was originally filed; but the time prescribed for the filing of an answer or further responsive document to the amendment shall be computed from the date of the filing of the amendment.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.945 Responsive Documents

Answers to applications, complaints, petitions, motions, or other documents or orders instituting proceedings may be filed by any interested person. Protests or memoranda of opposition or support permitted by this Part Subpart may be filed in lieu of answers or combined with answers.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.950 Service of Documents

- a) The Division. Formal complaints, notices, and orders shall be served by the Division.
- b) The Parties. Petitions, informal complaints, motions, answers, protests, and memoranda shall be served by the party filing the same on all other parties and on each person known to have a substantial interest in the proceeding. Responsive documents shall be served on all the parties filing the document to which response is made.
- c) How Service May Be Made. Service may be made by first class, or registered, or certified mail; by electronic means (e.g., telefax); or by personal delivery.
- d) Proof of Service. Any document required to be served by this Part, shall contain a certificate of mailing or personal delivery executed by the person serving the document.
- e) Date of Service. Whenever proof of service is made, the date of mailing or the date of personal delivery shall be the date of service.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 14.955 Appearances

- a) Who May Appear. Any party to a proceeding may appear and be heard in person or by attorney. A corporation, association, or public body or agency (including the Department) may appear and present evidence by any bona fide officer, employee, or representative.
- b) Right to Counsel. Any party to ~~person appearing in person in any~~ proceeding governed by this Subpart I Chapter, ~~whether in response to a subpoena or by request or permission of the Division,~~ may be accompanied, represented, and advised by counsel and may be examined by his own counsel.

~~c) Copies of Proceedings. Any person who submits data or evidence in a proceeding governed by this Section, whether in response to a subpoena or by request or permission of the Division, may retain or, on payment of lawfully prescribed costs, procure a copy of any document submitted by him or a copy of any transcript made of his testimony.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.960 Informal Participation in Hearing Cases

In any proceeding which is to be determined after notice and hearing, any interested person may appear and present evidence which is relevant to the issues. Such evidence shall be presented in either oral or written form as the ~~ALJ Hearing Referee or Director~~, in his sole discretion, may direct. With the consent of the ~~ALJ Hearings Referee~~, such person may cross-examine witnesses and be cross-examined and within the time fixed, submit written statements or a brief to the ~~ALJ Hearings Referee~~ with respect to the issues, which shall be filed and served as required of intervenors.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.965 Formal Participation

Any person may file an application for leave to intervene in a proceeding, which application shall show a statutory right or a substantial interest in the proceeding. A person permitted to intervene in a proceeding thereby becomes a party to the proceeding for all purposes. No decision granting or denying intervention shall be deemed to constitute an expression of the Division with respect to the substantive right of the intervenor, ~~or its right to review of the Division's orders.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 14.970 Computation of Time

In computing any period of time prescribed or allowed by this Section ~~Subpart~~, by notice, order, or regulation of the Division, the ~~ALJ Hearings Referee~~, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Division, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time prescribed is seven (7) days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.975 Extensions of Time

The Division or the ~~ALJ Hearings Referee~~ assigned to any proceeding, may extend the time for taking any action without notice before the expiration of the prescribed period, or, on written motion, permit the act to be done after the expiration of the specified period when such action would be conducive to the ends of justice or not adverse to the public interest.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.980 Motions

An application to the Division or the ~~ALJ Hearings Referee~~ for an Order or ruling not otherwise specifically provided for shall be by written motion, except during hearing when it may be made orally. After a proceeding is assigned to an ~~ALJ Hearings Referee~~, all motions relating to procedural matters shall be addressed to the ~~ALJ Hearings Referee~~ and no interlocutory appeal of his decision will be entertained. The ~~ALJ Hearings Referee~~ may, in his discretion, refer any motion to the Director for decision. All motions shall be made at an appropriate time and served on all participants to the proceeding. This ~~Paragraph~~ Section does not apply to motions for rehearing, reargument, or reconsideration.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.985 Answers to Motions

Within 10 days after a motion is served, or such other period as the Division or the ~~ALJ Hearings Referee~~ may fix, a participant in the proceeding may file

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an answer. Replies to answers shall not be allowed ~~received~~, but all new matter contained in the answer shall be deemed controverted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.990 Subpoenas

a) Issuance. Subpoenas for the attendance of witnesses, or for the production of books, papers, accounts, or documents at a hearing in a proceeding pending before the Division may be issued by the Director or by the ALJ ~~Hearings Referee~~ assigned to the proceeding, either sua sponte or on the written motion of a party showing good cause for the issuance of the subpoena.

b) Motion. Motion for Subpoenas shall be verified and shall specify the books, papers, accounts, or documents desired and the material and relevant facts to be proved by them. No subpoena shall be issued unless it is first determined that the matter sought is relevant, material and necessary and that compliance with the subpoena will not result in harassment or undue hardship, inconvenience, or expense to the party subpoenaed.

c) Service. Service of Subpoenas and payment of witness fees and expenses shall be made in the manner prescribed by ~~Chapter 110A, (Section 204(2) of the Illinois Revised Statutes)~~ the Illinois Supreme Court Rules, the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars. 1-101 et seq.) [735 ILCS 5], and the Court Costs and Sheriff Fees Transfer Act (Ill. Rev. Stat. 1991, ch. 53, par. 65) [55 ILCS 45/47].

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.995 Hearings Referee- Administrative Law Judge ("ALJ")

a) Qualification. An ALJ must have knowledge of, and be willing to act consistent with, the policies of the Division of Aeronautics.

b) Duties and Authority. The ALJ ~~Hearings Referee~~ shall have the following powers, in addition to any other specified in this ~~Chapter~~ Subpart:

~~a)1) To give notice concerning and to hold hearings;~~

~~b)2) To administer oaths and affirmations;~~

~~c)3) To examine witnesses;~~

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~~a)4) To issue subpoenas and to take or cause depositions to be taken;~~
~~a)5) To rule upon offers of proof and to receive relevant evidence;~~
~~a)6) To regulate the course and conduct of the hearing;~~
~~a)7) To determine the form in which evidence shall be submitted and the number of copies to be supplied and served;~~
~~a)8) To hold conferences, before or during the hearing, for the settlement or simplification of issues;~~
~~a)9) To rule on motions and to dispose of procedural requests or similar matters;~~
~~a)10) To grant extensions of time on any matter connected with the hearing;~~

~~a)11) To take any other action authorized by this Section Part, or by the any Illinois Aeronautics Act statute;~~

~~a)12) To waive, or otherwise grant a variance from, such procedural requirements as may be helpful to avoid an impracticable or unduly harsh consequence and which would not result in harm, cost, or inconvenience to other persons; and~~

~~a)13) To rule on requests for protective orders which would prevent the disclosure of proprietary or personal information whose disclosure would not be a public benefit.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.997 Hearings

a) Notice. The ALJ Hearings Referee to whom the case is assigned or the Division shall give the parties reasonable notice of the time and place for a hearing or of the change in the date and place of a hearing and the nature of such hearing in accordance with the ~~Illinois Aeronautics Act~~.

b) Evidence. Evidence presented at the hearing shall be given under oath unless waived by the ALJ and shall be limited to material evidence relevant to the issues in the proceedings. ~~but neither the Division nor the ALJ Hearings Referee shall be bound by the technical rules of evidence or pleading, and no informality in any proceeding in the manner of content or of testimony taken in a proceeding shall invalidate any agency order, decision, rule, or ruling of regulation made, approved, or confirmed by the Division.~~

c) ~~Judicial~~ Administrative Notice. The Division will take judicial notice of its orders, decisions, rules and regulations, and of any fact of which the courts and administrative agencies of the State of Illinois may take official judicially notice.

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- d) Limitation of Witnesses. The ALJ Hearings-Referee may limit the number of witnesses whose testimony is merely cumulative. The ALJ shall excuse, and remove if necessary, witnesses not offering relevant and material evidence.
- e) Construction. Rules with respect to evidence shall be applied toward the end that all needful and proper evidence shall be conveniently, inexpensively, and speedily heard while preserving the substantial rights of the parties and the witnesses.
- f) Objections to Evidence. Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the ALJ Hearings-Referee. Rulings on such objections shall be a part of the transcript, to the extent that a transcript may exist.
- g) Exceptions. Formal exceptions to the rulings of the ALJ Hearings-Referee made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the ALJ Hearings-Referee is made or sought, makes known the action he desires the ALJ Hearings-Referee to take or his objection to an action taken, and his grounds therefor.
- h) Offers of Proof. Any offer of proof made in connection with an objection taken to any ruling of the ALJ Hearings-Referee rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.
- i) Substitution of Copies for Original Exhibits. In his discretion, the ALJ Hearings-Referee may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.

- j) Transcript Record of Hearings. The Hearings-Referee ALJ shall ~~designate~~ determine whether the hearing shall be recorded electronically or whether a reporter shall be recorded and prepare a transcript of the hearing. The ALJ shall make necessary arrangements for recording the hearing. If the record is made electronically, the unaltered tape or other recording medium shall be kept for three

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- years. The tape shall be transcribed when the Division determines that it is necessary to do so (for example, for an appeal). A statutory requirement that testimony at a hearing be taken down by a stenographer shall be satisfied by recording the testimony electronically and preparing a transcript from the electronic recording. The failure to have a stenographer prepare a transcript shall not invalidate a hearing. Copies shall be supplied to parties on request at reasonable rate.
- k) Corrections to Transcript. Changes in the official transcript may be made only when they involve errors affecting substance are found. A motion to correct a transcript may be filed within 10 days after notice of the official transcript is sent to a party and before an order is entered received by the Division. If no objection is received, the transcript shall be automatically corrected. If an objection is received, the ALJ Hearings-Referee shall enter an Order on the motion.
- l) Briefs and Arguments. The ALJ Hearings-Referee may permit oral argument to be presented to him at the close of the hearing. Briefs and written argument may be submitted to him if permitted by him in his discretion and within the time prescribed by him. Copies of briefs and written arguments shall be served on all parties.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.998 Petition for Rehearing

Within thirty ~~(30)~~ days after the service of any rule, ruling, regulation, order, or decision of the Department based upon a hearing, any party or person affected thereby may apply for a rehearing thereof in respect of any matter connected therewith specified in such application for rehearing. Petitions for rehearing shall be in writing, and shall state specifically the grounds relied upon for such rehearing, and shall be accompanied by proof of service thereof upon all the parties and persons affected thereby.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 14.999 Judicial Review. (Repeal)

All final administrative decisions of the Division hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, approved May 8, 1945, (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et seq.), and all amendments and modifications thereof, and the rules adopted

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pursuant thereto. The term "administrative decision" is defined as in Section 1 of the Administrative Review Law.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Promotion Act Programs

2) Code Citation: 14 Ill. Adm. Code 510

3) Section Numbers: Adopted Action:
 510.20 Amendment
 510.50 Amendment
 510.60 Amendment
 510.70 Amendment
 510.80 Amendment
 510.85 Amendment

4) Statutory Authority: The Illinois Department of Commerce and Community Affairs, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act, implementing and authorized by Ill. Rev. Stat. 1991, ch. 127, pars. 200-21 et seq. [20 ILCS 665/1 et seq.].

5) Effective Date of Amendments: APR 01 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 16, 1994.

9) Notice of Proposal Published in Illinois Register: September 10, 1993 (17 Ill. Reg. 14318).

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Differences between proposal and final version: The following changes were made in response to comments received during the first public comment period:

The following language in Section 510.60(a) was added: "Any application received after an application deadline which is for marketing opportunities supported or promoted by the Department that have a deadline prior to the next scheduled award date will be processed upon receipt."

In addition, the action in the Section source note was changed from "Added" to "Amended" in response to the comments received from the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.

13) Will these amendments replace an emergency amendment currently in

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effect? No.

14) Are there any amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
510.210	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.220	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.230	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.240	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.250	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.260	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.270	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.275	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.280	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.285	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)
510.290	New Section	17 Ill. Reg. 21905 (Dec. 27, 1993)

15) **Summary and Purpose of Amendments:** Sections 510.20, 510.50, 510.60, 510.70, 510.80 and 510.85 of the Tourism Matching Grant Program rules are being amended to more accurately reflect the intent of the legislation. Section 510.20 is being amended to reflect the purpose of the Act, to increase job opportunities throughout the State, by promoting tourism attractions/events in areas that will generate overnight stays in lodging facilities. Section 510.50 is being amended to allow the Regional Tourism Councils to submit more than one grant submission per award period due to the multiple counties/areas they serve. Section 510.60 clarifies the application review timelines. Section 510.70, entitled Department Review Procedures, is being amended to reflect the amendments identified in Section 510.20. Section 510.80 is being amended to enforce Ill. Rev. Stat. 1991, ch. 127, pars. 200-31 [20 ILCS 665/11], and allow for a 10% increase of brochures for Department use, if requested. Section 510.85 is being amended to encourage grantees to notify the Department if any funds will not be utilized which can then be de-obligated and awarded to other grantees versus lapsing funds.

16) **Information and questions regarding these adopted amendments shall be directed to:**

Mr. Norman Sims, Deputy Director
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 6th Floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT
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CHAPTER 1:

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: TOURISM MATCHING GRANT PROGRAM

Section
510.10 Authority
510.20 Definitions
510.30 Computation of Time
510.40 Allocation of Appropriations to Applicants
510.50 Form of Application
510.60 Application Procedures
510.70 Department Review Procedures
510.80 Agreement
510.85 Administrative Requirements
510.90 Provision for Amendment to This Part
510.100 Severability

SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

Section
510.110 Purpose
510.120 Definitions
510.130 Eligible Uses of Loan and Grant Funds
510.140 Eligible Applicants
510.150 Funding Limitation
510.160 Application Cycle
510.170 Application Documentation
510.175 Evaluation Process
510.180 Selection for Funding
510.185 Leverage
510.190 Allocation of Appropriations
510.195 Administrative Requirements for Loans
510.200 Administrative Requirements for Grants
510.205 Administrative Requirements for Loans and Grants

AUTHORITY: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1991, ch. 127, pars. 200-21 et seq.) [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

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APR 01 1994

SUBPART A: TOURISM MATCHING GRANT PROGRAM

Section 510.20 Definitions

"Act": means the Illinois Promotion Act.

"Agreement": means a signed and written document defining the rights and obligations of the Applicant and the Department in respect to the Project and the Grant Amount.

"Applicant": means a County, Municipality or Local Promotion Group which is located within the State of Illinois.

"Application": means that written document submitted by the Applicant on the approved form of the Department. The dated application shall include the following information:

Name of applicant organization.
Name, title, address, and telephone number of authorized official.
County and legislative district where attraction/event will take place.
Federal Employment Identification Number (F.E.I.N.) or social security number of authorized official.
Project title.

Anticipated initiation and completion date (project may not be initiated prior to approval by the Bureau of Tourism to remain eligible for matching grant funding).
Estimated total cost of project (based on bids and itemized budget).

Percentage and amount of tourism matching grant request.

A description of the project (A detailed description of the work to be performed and the need for the project. Information should include a description of the event, attraction or area being promoted, and quantity of project (e.g. number of brochures to be printed)).

A description of how and where printed material will be distributed or the geographic location of the audience for projects containing advertising (e.g. radio, television, newspaper).

A description of the economic impact expected as a result of this project and how the program will aid in the promotion of tourism in Illinois.

A description of anticipated project results and a description of the evaluation methods to be used in determining the results. Emphasis should be placed on quantifiable measures as the applicant may be asked to verify results.

A list of the source(s) and amount of funding for the applicant's

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project.

An itemized budget for each cost which identifies the vendor and provides a brief description of the services being provided.

"Application Documentation": includes

samples of the proposed Project which shall include, but are not limited to, mock-up and copy or duplicates of mock-up with color indicated;

copies of a minimum of two competitive bids, using identical specifications, for all total costs by any vendor that exceeds \$500 and identification of the low bid listed on the itemized budget;

an agreement by the Applicant to comply with Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989 1991, ch. 127, par. 132.10-1) [30 ILCS 505/10.1];

a certification by the Applicant that it has not been barred from bidding on or receiving State contracts as a result of illegal bid rigging as defined in Section 33E-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989 1991, ch. 38, par. 33E-3) [720 ILCS 5/33E-3]; and

a current copy of the applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing.

"Bureau of Tourism": is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Eligible Promotional Projects": include but are not limited to:

Brochures/posters - Brochures/posters must be devoted to the promotion of tourism attractions and/or events. Brochures to be utilized by tourists must be printed in quantities of at least 20,000, printed in a minimum of two-color, printed on a minimum of .60# bond paper stock, and cannot exceed a finished size of 8 1/2 inches x 11 inches. All brochure brochures-or-poster final copy must be reviewed and approved by the Matching Grant Program staff prior to being printed. Final proofs must be submitted to the Department at least two working days prior to printing to allow for changes, if necessary. Applicants bear sole responsibility for accuracy of information printed. The date and quantity printed must appear on the printed material or a 5% penalty will be assessed. All printed projects that are funded under the Program must be available on a gratis basis free of charge to the public and shall not be sold.

Advertising - Advertising must be directed toward areas other than the immediate location of the attraction, event, or area being promoted. Matching grant funds cannot be used to pay for

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advertising placed within a 65- 75 mile radius of the attraction, event, or area being promoted. Advertising will be considered eligible if placed with media outside the 65- 75 mile radius, even if a portion of the advertising falls inside the radius. Advertising placed in a major market (e.g. Chicago, St. Louis) will also be considered for funding if it is placed inside the 65- 75 mile radius and the media source's entire service area or zones outside a 35 mile radius are purchased. A typed transcript manuscript or one audio/video cassette tape copy of each advertisement must be submitted with the application. The ad must be persuasive with general information, not mentioning the names of commercial businesses, the message and should also include an address or phone number to contact for more lodging and other tourism information.

Billboards - Rental of billboard space, as well as the artwork, design, and production of billboard advertising, is an eligible expenditure. Billboards must promote attractions, events, availability of lodging, camping or other travel related services. Billboard advertising cannot mention specific privately owned businesses or attractions. The 65- 75 mile radius guideline governing other advertising does not apply to billboard location but placement for promotion of events must be a minimum of 30 miles from the location of the event, placement for promoting attractions must be a minimum of 15 miles from the area being promoted and traffic count and visibility will also be a major consideration.

Promotional Participants - Applicants that charge "for profit" participants for inclusion in promotional projects must also include the promotion of a minimum of 3 non-profit attractions/events. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

"Grant Amount": means an amount, which shall not exceed 60% (sixty percent) of the Total Project Cost, that the Department shall pay to an Applicant after:

review of the Application;
the Department has determined that the Project and proposed expenditures of the Applicant appear to be in accord with the purpose of the Act and comply with this part; and
the Department has received sufficient evidence of Project completion.

"Ineligible Promotional Projects": In general, a project is considered ineligible if it does not contribute to the overall intent of bringing additional tourists into the State or to an attraction--or festival and generate increased lodging revenue. Examples of projects ineligible for funding include, but are not limited to:
Association or organizational dues.

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Bumper stickers, placemats, or any type of specialty items.
Any type of quick-print materials.
Any administrative expenses (e.g. stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment).
Purchase or rental of projectors, television sets, or video recorders.

Projects containing paid advertising solely promoting for-profit entities.
Postage, purchase or use of mailing lists, distribution and shipping costs.

Street banners.
Event production expenses (e.g. audio equipment, awards, entertainments, fireworks, portable restrooms, hired labor, refreshments, etc.).

Travel expenses (transportation, lodging, per diem).
Travel/trade show booth space rental and/or registration fees.
Promotion of county fairs.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or region of Illinois (Section 3(b) of the Act).

"Local Share": means that portion of Total Project cost which:
in no case shall be less than 40% (forty percent) of the Total Project Cost;
is provided by the Applicant and is not State or federal funds; and
is irrevocably obligated to the Project.

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code (Ill. Rev. Stat. 1989 1991, ch. 24, par. 1-1-2(1)) [65 ILCS 5/1-1-2(1)].

"Project": means the program of Promotional Activities which is described by the Applicant in the Application and is approved by the Department. Acceptable components of a Project may include, but are not limited to, the examples of valid projects contained on the Application form.

"Regional Tourism Councils": are volunteer organizations within the State geographic areas (southern, northern, western, central) which work in cooperation with the Department to promote tourism in Illinois.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project, but does not include administrative costs incurred by the Applicant, examples of which are

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stationery, postage, telephone, office equipment and services of professional fund raisers. The total project cost must equal or exceed \$500 \$1,500 to be considered for a grant award. Projects are reviewed, evaluated, and funded according to the percentages of total project cost based on the quality of the project and its duration. Thirty to forty percent of the total project cost will be funded for approved festival events (festival events have a duration of 1-29 days). Forty to fifty percent of the total project cost will be funded for approved seasonal events (seasonal events have a duration of 1-6 months). Forty to sixty percent of the total project cost will be funded for approved year-round promotions (year-round promotions have a duration of 7-12 months).

(Source: Amended at 18 Ill. Reg. _____, effective _____, APR 01 1994)

Section 510.50 Form of Application

- a) All communications relating to Application procedures herein defined shall be sent to the Matching Grant Manager of the Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois 62701.
- b) Only one application per applicant, except for Regional Tourism Councils, can be submitted for each award period for each category of funding (i.e., festival event, seasonal event, year-round promotion). Multiple projects can be combined into one request.
- c) An Application shall be in writing and on the current approved form provided by the Department which form shall be sent to an interested party upon request.
- d) An Application shall be submitted as one (1) original and two (2) copies.
- e) Each Application including supporting documents and attachments shall be contained under a single cover.

(Source: Amended at 18 Ill. Reg. _____, effective _____, APR 01 1994)

Section 510.60 Application Procedures

- a) An Application must be received by the Department during the period of time between June 1 through March 1 of each State fiscal year. Grant awards will be made four times annually. Applications shall be received a minimum of sixty (60) days prior to award dates of August 1, November 1, February 1, and May 1 or the application will be considered during the next award period. Any Application received during the period of time between March 1 and June 1 shall be deemed to have been received by the Department for the following fiscal year. Any application received after an application deadline which is for marketing opportunities supported or promoted by the Department that

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have a deadline prior to the next scheduled award date will be processed upon receipt.

- b) Except as provided in subsection (a) above, an Application will be considered received when delivered to the Bureau of Tourism.
- c) The Matching Grant Manager of the Bureau of Tourism shall issue a receipt to the Applicant acknowledging delivery of the Application including date the Application was received.
- d) Review of Applications
 - 1) Within fourteen (14) days of receipt of the Application, the Matching Grant Manager of the Bureau of Tourism shall notify the Applicant that after an initial review, the Application and attached exhibits are complete on their face. This notice is not in any way an acknowledgement by the Matching Grant Manager as to the adequacy of the substance of the Application.
 - 2) In the event the Matching Grant Manager of the Bureau of Tourism determines that the Application and its attached exhibits are not complete on their face, the Applicant shall be notified of such fact along with a list of such deficiencies within fourteen (14) days of the receipt of the Application.
 - 3) Should the Matching Grant Manager of the Bureau of Tourism send a notice of deficiency as required in subsection (d) (2) above, the Applicant shall have fourteen (14) days from the date of such notice to cure such deficiency. If
 - A) the Applicant fails to supply additional material to cure the deficiency; or
 - B) submits additional material which in the opinion of the Matching Grant Manager does not cure the deficiency, the Application shall be considered null and void and returned to the Applicant.
 - e) Within sixty (60) days from the date of notification issued pursuant to subsection (d) (1) or (d)(2), the Director of the Department shall either:
 - 1) notify the Applicant that its Application has been approved; or
 - 2) notify the Applicant that its Application has been rejected, stating the reason(s) for this rejection.

(Source: Amended at 18 Ill. Reg. _____, effective _____, APR 01 1994)

Section 510.70 Department Review Procedures

- a) The Application shall be reviewed by the Springfield-Division-Manager and the Matching Grant Manager of the Bureau of Tourism staff and then presented to the Tourism-Deputy-Director and the Department's Director for approval or rejection.
- b) The following questions and factors shall be considered by the Department in its determination whether to accept or reject an Application:
 - 1) Marketing

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- A) ~~is the Project a component of an overall marketing program?~~
~~may it complement regional and state marketing programs?~~
~~More favorable consideration is given to Projects that are~~
~~part of a thorough, well-planned marketing program prepared~~
~~in cooperation with the Bureau of Tourism? Does the Project~~
~~support and augment the marketing efforts of the Bureau?~~
~~More favorable consideration will be given to applications~~
~~which are cooperative advertising projects made available by~~
~~the Bureau of Tourism.~~
- B) ~~Will the Project reach a new or expanded audience? The goal~~
~~of tourism promotion is to encourage people from outside of~~
~~given areas to travel to the area and thereby stimulate the~~
~~area's economy. Projects should not be directed primarily~~
~~at people who are already aware of the attractions. Will the~~
~~Project encourage visitors from a distance of at least 75~~
~~miles or out-of-state? The intent of the program is to~~
~~encourage travel into and throughout the State, impacting~~
~~the economic growth and primary consideration will be given~~
~~to projects creating the potential for overnight stays.~~
- C) ~~Will the Project generate overnight travel? Statistics~~
~~prove travelers spending at least one night away from home~~
~~spend more money and therefore will have a more positive~~
~~effect on the economy of a given area? Will the Project~~
~~generate overnight stays, increasing hotel/motel and/or bed~~
~~and breakfast occupancy? Consideration will also be given~~
~~to projects incorporating lodging packages.~~
- D) ~~What is the intended audience? Audiences may include~~
~~consumers inside or outside the State, special interest~~
~~groups, travel agents and tour brokers, etc.~~
- E) ~~Will the project aid in the promotion of tourism in~~
~~Illinois?~~
- 2) Economic Impact
- A) ~~What is the potential economic impact from implementation of~~
~~this Project?~~
- B) ~~Are there measurable ways to gauge effectiveness in terms of~~
~~increased visitor spending in the area, increased~~
~~employment, increased sales, increased gasoline, hotel-motel~~
~~and/or retail occupation tax revenues? Plans for a~~
~~follow-up evaluation and ongoing research will enhance the~~
~~Project Application.~~
- 3) Duplication
- The Project should not duplicate anything already available in
the target market area.

(Source: Amended at 18 Ill. Reg. _____, effective
APR 01 1994)

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- a) When the Department sends notice to the Applicant that the Project has
been approved for funding, an Agreement shall be executed by the
Director of the Department or the Director's designee on behalf of the
Department. The project must not be initiated prior to approval by the
Department to remain eligible for funding.
- L) The Agreement shall contain substantive provisions including but not
limited to the following:
- 1) a recitation of legal authority pursuant to which the Agreement
is made;
 - 2) an identification of the Project scope, schedule, and the work or
services to be performed or conducted by the Applicant;
 - 3) an identification of the Grant Amount;
 - 4) the conditions and manner by which the Department shall pay the
Grant Amount subject at all times to annual appropriation by the
General Assembly;
 - 5) the irrevocable promise of the Applicant to pay the Local Share
of the Total Project cost;
 - 6) the promise of the Applicant to display the current Illinois
Tourism identification on all Project Projects ~~material after its~~
~~use has been approved by the Department~~ funded through the grant
Program. Failure to include the current Matching Grant Logo in
its entirety will result in a 10% penalty, which will be deducted
from the grant award. Failure to include any identification will
result in a total cost disallowance for that portion of the grant
Project;
 - 7) the promise of the Applicant ~~if requested~~ to furnish to the
Department a minimum of 10% ~~(ten--percent)--~~, up to 20% if
requested, of the total promotional material ~~produced~~ printed.
The entire 10% quantity of requested brochures must be received
in the Bureau of Tourism's Springfield warehouse prior to
reimbursement of the grant award. Brochures promoting special
events must be received in the warehouse a minimum of 60 days
prior to the event;
 - 8) a promise by the Applicant not to assign or transfer any of the
rights, duties or obligations of the Applicant without the
express written consent of the Department;
 - 9) a promise by the Applicant not to amend the Agreement without the
written consent of the Department. Failure to do so will result
in a cost disallowance. The project must be completed by the date
on the Notice of Grant Award unless a written request for an
extension is submitted five (5) working days prior to the award
completion date;
 - 10) a covenant of the Applicant to apply the Grant Amount only for
the purposes of the Project as stated in the Application; and
 - 11) a covenant of the Applicant to refrain from entering into any
written or oral agreement or understanding with any party which
might be construed as an obligation of the State of Illinois or
the Department for the payment of any funds under the Act.

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(Source: Amended at 18 Ill. Reg. _____, effective
APR 01 1994)

Section 510.85 Administrative Requirements

a) Reporting

1) Grantees shall maintain appropriate records of actual costs incurred and shall submit to the Department detailed itemization supported by copies of vendor invoices. Cancelled checks (both front and back) shall be submitted by the grantee for project expenditure documentation within forty-five (45) days after payment of the grant as proof of payment for all applicable cost of the program.

2) A program status report must be submitted to the Department by May 15 for all projects which have not been completed. Failure to report the withdrawal of approved grant funds by May 15, if funds will not be utilized, may affect the grantee's application for grant funds in a future year. Billing for the total costs of projects must be submitted to the Department within forty-five (45) days of project completion and no later than August 15 to facilitate payment.

3) Upon request, grantees must submit financial reports on the progress of the project.

b) Accountability

1) The grantee is accountable for all funds received under this grant and shall maintain complete records of expenditures made on the grant project. The grantee will, as often as deemed necessary, allow the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three years from the date of submission of the final expenditure report.

2) If any services specified in the approved marketing plan are subcontracted, the grantee shall include in all its subcontracts under a program grant a provision that the Department, and the Auditor General of the State of Illinois, or any of their duly authorized representatives, will have full access to and the right to examine any pertinent books, documents, papers and records of any such contractor involving transactions related to the contract for three years from the final payment under the contract.

c) Contracting - The following contracting requirements shall be observed by the grantee:

1) For local government grantees, no officer or employee of the grantee and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such

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objectives shall participate in any decision relating to any contract negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, in such contract or in the work to be performed under such contract.

2) For non-governmental grantees, such a financial interest is permissible provided full disclosure of said interest is made to the Department in advance of any decisions relative to the award of a contract giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove him or herself from the room during any discussion, deliberation and voting in connection with the awarding of such a contract.

d) Nondiscrimination - The grantee shall comply with all applicable State and Federal employment laws, rules and regulations, and shall comply with all laws and regulations prohibiting discrimination on the basis of race, sex, religion, national origin, age, or handicap.

e) Suspension or Cancellation of Grant - The Department shall suspend or cancel a grant if the grantee fails to comply with the terms and conditions of the grant. The Department will give ten (10) days notice to the grantee of any contemplated suspension or termination of a grant.

f) Complaint Process - In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

(Source: Amended at 18 Ill. Reg. _____, effective
APR 01 1994)

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- 1) Heading of the Part: By-laws
- 2) Code Citation: 47 Ill. Adm. Code 700
- 3)

Section Numbers	Adopted Action
700.100	New section
700.110	New section
700.200	New section
700.205	New section
700.207	New section
700.209	New section
700.211	New section
700.213	New section
700.220	New section
700.221	New section
700.222	New Section
700.223	New section
700.224	New section
700.225	New section
700.226	New section
700.227	New section
700.228	New section
700.250	New section
700.252	New section
700.260	New section
700.265	New section
700.270	New section
700.275	New section
700.280	New section

- 4) Statutory Authority: The Illinois Community Development Finance Corporation Act [315 ILCS 15].

- 5) Effective Date of Amendments: APR 04 1994

- 6) Does this rulemaking contain an automatic repeal? NO

- 7) Does this rulemaking contain incorporations by reference? NO

- 8) Date filed in Agency's Principal Office: APR 04 1994

- 9) Notice of Proposal published in Illinois Register: 17 Ill. Reg. 4530 - 4/9/93

- 10) Has JCAR issued a Statement of Objection to this rule? NO

- 11) Difference between proposal and final version: Pursuant to discussions with JCAR and Administrative Code staff, the CDFC agreed to the following changes, in addition to other

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grammatical and layout changes:

- 1) In Section 700.207, language was added to clarify that meetings are subject to the Open Meetings Act, including the notice and other requirements of that Act;
- 2) In Section 700.213, a requirement was added that the Board must ratify the actions of a committee;
- 3) In Section 700.228(c), "maintain" was substituted for "deal with";
- 4) In Section 700.280, the second to last sentence of the proposed version, was deleted, being redundant; officers and directors are indemnified as allowed by law.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated? YES

- 13) Will this rule replace an emergency rule currently in effect? NO

- 14) Are there any other amendments pending on this part? NO

- 15) Summary and purpose for the rule: These rules constitute the by-laws of the Illinois Community Development Finance Corporation and provide for the authority of the Board, officers, meetings, and other operational issues.

- 16) Questions about this adopted rule may be addressed to:

Matt Berns, Secretary-Treasurer
Community Development Finance Corporation
State of Illinois Center, Suite 15-600
100 West Randolph Street
Chicago, IL 60601
Phone (312) 814-2976.

The full text of the adopted part begins on the next page:

ILLINOIS COMMUNITY DEVELOPMENT FINANCE CORPORATION

NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER V: ILLINOIS COMMUNITY DEVELOPMENT FINANCE CORPORATION

PART 700
BY LAWS

Section	Legislation Controlling
700.100	Location of Principal and Other Offices of the Corporation
700.110	General Powers, Election of Directors, Term of Office, Qualifications and Vacancies
700.200	Chairman and Vice Chairman
700.205	Meetings
700.207	Quorum and Voting
700.209	Resignation of Directors
700.211	Committees
700.213	Officers
700.220	Election, Term of Office, and Qualifications
700.221	Subordinate Officers
700.222	Removal
700.223	Resignation of Officers
700.224	Vacancies
700.225	Chairman of the Board
700.226	The President
700.227	The Secretary-Treasurer
700.228	Execution of Instruments Generally
700.250	Checks, Drafts, etc.
700.252	Intercompany Dealings
700.260	Seal
700.265	Reliance on Records and Reports
700.270	Amendments
700.275	Indemnification of Directors, Officers, and Employees
700.280	

AUTHORITY: Authorized by resolution of the Board of Directors of the Illinois Community Development Finance Corporation pursuant to the Illinois Community Development Finance Corporation Act [315 ILCS 15].

SOURCE: Adopted at 18 Ill. Reg. _____, effective **APR 04 1994**, 1994.

Section 700.100	Legislation Controlling
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These By-Laws, the powers of the Corporation and of its Directors, Stockholders, and all matters concerning the conduct and regulation of the business of the Corporation shall be subject to the provisions of 315 ILCS 15.

Section 700.110	Location of Principal and Other Offices of the Corporation
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ILLINOIS COMMUNITY DEVELOPMENT FINANCE CORPORATION

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The location of the principal office of the Corporation shall be in Chicago, Illinois. The Corporation may have offices within the State of Illinois at such other places as shall be determined from time to time by the Board of Directors.

Section 700.200	General Powers, Election of Directors, Term of Office, Qualifications and Vacancies
	All corporate powers of the Corporation shall be exercised by the Board of Directors, as provided for in the Act. The Board of Directors shall have the responsibility and authority to appoint all necessary Board Committees and Officer Committees to provide for prudent management and oversight of the corporation. Each Director shall hold office until their successors are appointed, as provided for in the Act.
Section 700.205	Chairman and Vice Chairman
	The Board of Directors shall elect one of its Board members as Vice-Chairman of such Board. At all meetings of the Board of Directors, the Chairman of the Board, or his designee, shall preside or, in the absence of the Chairman and his designee, the Vice Chairman of the Board shall preside.

Section 700.207 Meetings

Meetings of the Board of Directors shall be held at such place within the State of Illinois as may from time to time be fixed by resolution of the Board or as may be specified in the call of any meeting, subject to the Open Meetings Act [5 ILCS 120]. Regular meetings of the Board of directors shall be held at such times as may from time to time be fixed by resolution of the Board, and special meetings may be held at any time upon the call of any three Directors, or of the Chairman by oral, facsimile, or written notice duly served on or sent or mailed to each Director not less than two days before such meeting. The notice of any meeting need not specify the purpose thereof. A meeting of the Board may be held without notice immediately after the annual meeting of Members and stockholders at the same place at which such meeting was held.

Section 700.209 Quorum and Voting

- a) A majority of the Directors then holding such office shall constitute a quorum for the transaction of any business. Directors may participate in any meeting through the use of a conference telephone or similar communications equipment by means of which all persons participating can hear each other, and such participation in a meeting shall constitute presence in person at the meeting. At any meeting of the Board of Directors, if there is less than a quorum present, a majority of those present may adjourn the meeting from time to time until a quorum is obtained.
- b) When a quorum is present at any meeting of the Board of Directors, the vote of a majority of the voting Directors then holding such office shall be the act of the Board and shall decide any question properly brought before such meeting. Each voting Director shall have one vote in all such decisions.

Section 700.211	Resignation of Directors
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Any Director may resign at any time by giving written notice of such resignation, either to the Board of

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Directors, the President or the Secretary-Treasurer of the Corporation. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the Board of Directors or by such Officer.

Section 700.213

Committees

In its discretion, the Board of Directors may appoint an Executive Committee and one or more other committees, which, to the extent of the authority conferred by the resolutions appointing them, may exercise any of the powers of the Board of Directors, including the power to authorize the seal of the Corporation to be affixed to all papers which may require it. In its discretion, the Board of Directors may appoint one or more Officer Committees which the Board deems necessary or appropriate for the prudent management and oversight of the Corporation, which, to the extent of the authority conferred by the resolutions appointing them, shall have and may exercise any of the powers of the Board of Directors. Unless the Board of Directors provides otherwise in the resolutions appointing any such committee, a committee of two members may act only by unanimous vote of such members, any such committee composed of more than two members may act by the vote of a majority of its members, and any such committee may fix the time and place of its meetings. The Board of Directors must ratify any action of any committee. The Board of Directors shall have power at any time to fill vacancies in, to change the membership of, or to dissolve, any such committee.

Section 700.220

Officers

The Officers of the Corporation shall be a President and such other Officers as may be appointed in accordance with the provisions of Section 700.221 of this Part. Any two offices but not more than two, may be held by the same person.

Section 700.221

Election, Term of Office, and Qualifications

Each Officer specifically designated in Section 700.220 of this Part shall be elected by the Board of Directors, and shall hold his office until his successor is elected and qualified or until his death or until he shall resign or shall have been removed in the manner provided in Section 700.223 of this Part.

Section 700.222

Subordinate Officers

The Board of Directors from time to time may appoint or authorize the President to appoint, other Officers or Agents, which of whom shall hold office for such period, have such authority and perform such duties as are provided in these By-Laws or as the Board of Directors (or the President in the case of Officers and Agents appointed by him) from time to time may determine. The President may appoint any such subordinate Officers or Agents, fix their term of office, and prescribe their respective authorities and duties.

Section 700.223

Removal

Any Officer may be removed at any time either with or without cause by the vote of a majority of the total number of Directors then in office, and any Officer or Agent appointed by the President may be removed at any time by the President with or without cause.

Section 700.224

Resignation of Officers

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Any Officer may resign at any time by giving written notice of such resignation to the Board of Directors or to the President of the Corporation. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the Board of Directors or by the President.

Section 700.225

Vacancies

A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled for the unexpired portion of the term in the manner prescribed by the By-Laws for the regular election to such office.

Section 700.226

Chairman of the Board

The Chairman of the Board shall preside at all meetings of the Board and shall perform such other duties as shall be assigned from time to time by the Board.

Section 700.227

The President

The President shall be the Chief Executive Officer of the Corporation, and, subject to the control of the Board of directors, shall have general charge of the business, affairs, and property of the Corporation, and control over its Officers. The President shall do and perform all such other duties and may exercise such other powers as from time to time may be assigned to him by these By-Laws or by the Board of Directors. The Officers of the Corporation shall be responsible to the President for the proper and faithful discharge of their several duties, and shall make such reports to him as he may from time to time require.

Section 700.228

The Secretary-Treasurer

The Secretary-Treasurer shall:

- a) Keep a certified copy of the Articles and these By-Laws with marginal references to all amendments thereof;
- b) Keep the minutes of the meetings of the Stockholders and the Board of Directors, and cause the same to be recorded in the book provided for that purpose;
- c) Prepare, or cause to be prepared, and maintain any list of Stockholders;
- d) See that all notices are duly given in accordance with the provisions of these By-Laws or as required by statute;
- e) Be custodian of the records of the Corporation and the Board of Directors and of the seal of the Corporation; see that the seal is affixed to any and all stock certificates prior to their issuance and to all documents the execution of which on behalf of the Corporation under its seal shall have been duly authorized, and attest the seal when so affixed;
- f) See that all books, reports, statements, certificates and other documents and records required by law to be kept or filed are properly kept or filed;
- g) Have supervision over the funds including the borrowing thereof, the securities, receipts and disbursements of the Corporation;
- h) Cause all moneys and other valuable effects to be deposited in the name and to the credit of the Corporation, in such banks or trust companies or with such bankers or other depositories as shall be selected by a majority vote of the Board of Directors, exclusive of any Director who is an Officer or Director of the depository so designated;

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- i) Cause the funds of the Corporation to be disbursed by checks or drafts upon the authorized depositories of the Corporation;
- j) Cause to be taken and preserved proper vouchers for all moneys disbursed;
- k) Cause to be kept correct books of the account of all the business and transactions of the Corporation;
- l) Render to the President or the Board of Directors, whenever requested, an account of the financial condition of the Corporation and of his transactions as Treasurer;
- m) Be empowered, from time to time, to require from the Officers or Agents of the Corporation reports or statements giving such information as he may desire with respect to any and all financial transactions of the Corporation; and
- n) In general, perform all duties and have all powers incident to the office of Secretary-Treasurer and perform such other duties and have such other powers as from time to time may be assigned to him by these By-Laws or by the Board of Directors or by the President. At the request of the Secretary-Treasurer or in his absence or disability, a duly appointed Assistant Secretary-Treasurer, shall perform any of the duties of the Secretary-Treasurer and, when so acting, shall have all the powers of, and be subject to all the restrictions upon the Secretary-Treasurer. Except where by law the signature of the Secretary-Treasurer is required, any duly appointed Assistant Secretary-Treasurers shall possess the same power as the Secretary-Treasurer to sign all certificates, contracts, obligations, and other instruments of the Corporation.

Section 700.250 Execution of Instruments Generally

All documents, instruments or writing of any nature shall be signed, executed, verified, acknowledged and delivered by such Officers, Agents or Employees of the Corporation, or any one of them, and in such manner, as from time to time may be determined by the Board of Directors.

Section 700.252 Checks, Drafts, etc.

All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the Corporation whatsoever, shall be signed by such Officers, Agents or Employees of the Corporation or any one of them, and in such manner, as from time to time may be determined by the Board of Directors. Endorsements for deposit to the credit of the Corporation in any of its duly authorized depositories shall be made in such manner as the Board of Directors from time to time may determine.

Section 700.260 Intercompany Dealings

The Corporation shall not, however, make loans directly or indirectly to any Director or Officer of the Corporation or to any firm or corporation in which such Director or Officer, or any member of the immediate family of any such Director or Officer owns in excess of a ten percent interest, or otherwise controls, directly or indirectly. Any Director or Officer knowingly approving any loan in violation of this section shall be personally liable, for the amount thereof and such approval shall be presumed unless the dissent of such Director or Officer is noted upon the records of the Corporation.

Section 700.265 Seal

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The Seal of the Corporation shall, subject to alteration by the Board of Directors, consist of a flat-faced circular die with the words "Illinois Community Development Finance Corporation," cut or engraved thereon. In lieu of the corporate seal, when so authorized by the Board of Directors, a facsimile of such corporate seal may be impressed or affixed or reproduced.

Section 700.270 Reliance on Records and Reports

Each Director, Officer, or Member of any committee designated by, or by authority of the Board of Directors shall, in the performance of his duties, be fully protected in relying in good faith upon the books of account or other records of the Corporation or upon reports made to the Corporation by any official of the Corporation or by an independent certified public accountant or by an appraiser selected with reasonable care by the Board of Directors or by any such committee.

Section 700.275 Amendments

The By-Laws of the Corporation (subject to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100]) may be amended, added to or repealed at any meeting of the Board of Directors provided that notice of the proposed change is given in the notice of the meeting and provided further that if any By-Law regulating an impending election of Directors is adopted or amended or repealed by the Board of Directors, there shall be set forth in the notice of the next meeting for the election of Directors the By-Law so adopted or amended or repealed together with a concise statement of the changes made.

Section 700.280 Indemnification of Directors, Officers, and Employees

Each Director, Officer, and Employee of the Corporation (and his heirs, executors, and administrators) shall be indemnified by the Corporation against any costs, expenses (including attorneys' fees), and liabilities reasonably incurred by or imposed upon him in connection with any action, suit or proceeding, or any appeal therein, to which he may be made a party by reason of his being, or having been, a Director, Officer, or Employee of the Corporation, or of any other Corporation which he serves or has served as Director, Officer, or Employee at the request of the Corporation (whether or not he continues to be a Director, Officer, or Employee of the Corporation or such other corporation at the time such action, suit or proceeding is brought), except with respect to matters as to which he shall be finally adjudged in such action, suit or proceeding to be liable for willful, intentional or bad-faith misconduct in the performance of his duties as such Director, Officer, or Employee. Each such person shall be indemnified by the Corporation, to the extent permitted by law,

- a) against any costs and expenses (including attorney's fees) reasonably incurred in connection with any such action, suit or proceeding with any such action, suit or proceeding with which he shall be threatened, and
- b) against any reasonable amounts he shall pay in settlement of any such action, suit or proceeding, or by the settlement, as to which the Corporation is advised by counsel that in the opinion of counsel such Director, Officer, or Employee would not, in the absence of such settlement, have been held liable for willful, intentional or bad-faith misconduct in the performance of his duties as a Director, Officer, or Employee. The word "Director" as used in this Part shall be deemed to include a Director performing duties as a member of the Executive Committee or other committee of the Board of Directors.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Commercial Fishing in Lake Michigan

2) CODE CITATION: 17 Ill. Adm. Code 850

3) SECTION NUMBERS: ADOPTED ACTION:

850.20 Amendments
850.30 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5) [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

5) EFFECTIVE DATE OF AMENDMENTS: APR 05 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 4, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: December 31, 1993, 17 Ill. Reg. 22123

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments were made to this Part to reduce the annual total harvest of bloater chubs from 227,000 pounds (dressed weight) to 125,000 pounds (dressed weight) in combination with allowing overnight sets during October and November.

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16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 850
COMMERCIAL FISHING IN LAKE MICHIGAN

Section 850.5	Introduction
850.10	Possession and Identification of Gear
850.20	Quota
850.30	Restricted Commercial Fishing Areas
850.40	Limited Entry
850.50	License Eligibility and License Provisions
850.60	Application for License
850.80	Suspension or Revocation

AUTHORITY: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5) [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

SOURCE: Adopted at 3 Ill. Reg. 44, p. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendments at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12626, effective July 24, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18967, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 17263, effective September 23, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective APR 05 1994.

Section 850.20 Quota

- a) Harvest quotas will be reviewed annually and will be established by the Department for each license fishing year taking into consideration the condition and supply of Lake Michigan fish stocks.
- b) For each license year beginning April 1st and ending March 31st, annual total harvest quota of 343,000 pounds (round weight) of yellow perch and 227,000 125,000 pounds (dressed weight) of bloater chubs will be permitted. These annual total harvest quotas shall be divided equally among each licensee at the beginning of each license year. Upon reaching their share of the annual harvest quota for each species, each commercial license holder shall terminate fishing for that species for the remainder of the current license year. It shall

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be unlawful to possess other species except smelt and alewife incidentally caught in bloater chub and yellow perch gill nets, fished in compliance with this Part and the Illinois Fish Code. All other species must be removed immediately from the gill nets as they are brought on board the vessel and returned to the water at once in the same condition as taken.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994.)

Section 850.30 Restricted Commercial Fishing Areas

- a) During the months of July and August, commercial gill net fishing may be undertaken anywhere in the Illinois portion of Lake Michigan outside of the 1,000 yard distance from any pier, breakwater, or similar structure, or the low water mark on the shore. From the months of September through June, inclusive, commercial fishermen must fish in water depths of at least 5 fathoms (30 feet) or deeper to minimize incidental catch of salmon and trout.
- b) The following described area in Lake Michigan is established as fish refuge and it shall be unlawful for any person to place any commercial fishing device in it: all waters on or adjacent to any area commonly referred to as Julian's Reef, located in a general area bounded by 42 16'00" north latitude on the north, 87 29'00" west longitude on the east, 42 11'00" north latitude on the south and 87 35'00" west longitude on the west, on U.S. lake survey navigational chart #75, edition of April 1972 (National Oceanic and Atmospheric Administration).
- c) During the months of August, and September, October and November, all gill nets set in the Illinois portion of Lake Michigan in waters up to 20 fathoms (120 feet) in depth shall not be set prior to sunrise and must be removed from the water prior to sunset on the same day.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994.)

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1) HEADING OF THE PART: Possession of Specimens or Products of Endangered or Threatened Species

2) CODE CITATION: 17 Ill. Adm. Code 1070

3) SECTION NUMBERS: ADOPTED ACTION:

1070.80

Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, pars. 334 and 341(c)) [520 ILCS 10/4 and 11(c)].

5) EFFECTIVE DATE OF AMENDMENTS: APR 05 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 4, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: January 7, 1994, 18 Ill. Reg. 001

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: In the Authority Note, in the reference to 520 ILCS "10/11" was changed to "11(c)".

In Section 1070.80(d), (e) and (f), were moved to the proper level of indentation.

In Section 1070.80(e), "apply for" was changed to "receive".

In Section 1070.80(f), "Park" was changed to "Part".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments are being made to prevent enforcement and procedural problems caused by

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the submittal of endangered species permit applications by persons charged with or found guilty of violations of the Endangered Species Protection Act.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER c: ENDANGERED SPECIES

PART 1070
POSSESSION OF SPECIMENS OR PRODUCTS OF
ENDANGERED OR THREATENED SPECIES

Section

1070.10 Definitions
1070.20 Permit Requirements
1070.30 Permit Provisions
1070.40 Limited Permit Provisions
1070.50 Reporting Requirements
1070.60 Facilities and Welfare Standards (Animal)
1070.70 Facilities Standards (Plant)
1070.80 Revocation

AUTHORITY: Implementing and authorized by Sections 4 and 11(c) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, pars. 334 and 341(c)) [520 ILCS 10/4 and 11(c)].

SOURCE: Adopted at 13 Ill. Reg. 14934, effective September 11, 1989; amended at 14 Ill. Reg. 18264, effective October 29, 1990; amended at 17 Ill. Reg. 18799, effective October 19, 1993; amended at 18 Ill. Reg. _____, effective APR 05 1994.

Section 1070.80 Revocation

a) Permits, limited permits, and permits for propagation shall be revoked by the Department for the following reasons:

- 1) The Department finds that the permit holder has obtained the permit on the basis of false information or is not complying with the terms or conditions of the permit.
- 2) Reports outlined in Section 1070.50 are not submitted by the stated deadline, are incomplete, or contain false information; provided, however, that prior to such revocation the permittee shall be given notice and opportunity to comply with the reporting requirements. Failure to comply with the reporting requirements within sixty (60) days from the receipt of such notice shall result in revocation of the permit.
- 3) Failure to comply with any facilities standards or animal welfare standards established by this Part; provided, however, that prior to such revocation the permittee shall be given notice and opportunity to comply with those standards. Failure to comply with facility or animal welfare standards within sixty (60) days from receipt of such notice shall result in revocation of the permit.
- 4) Violation of State or Federal laws.

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- b) Any person whose permit has been revoked shall not be eligible to apply for a new permit in his own name or in any other name for a period of one (1) year from the effective date of the revocation.
- c) Any person who has been or is an officer, agent or employee of a permittee whose permit has been revoked and who was responsible for or participated in the violation upon which the revocation was based shall not receive a permit within the period during which the revocation is in effect.
- d) The procedure by which revocations are made, the rights of permittees to notice and hearing, and the procedures governing such hearing are set forth in 17 Ill. Adm. Code 2530.
- e) Any person who has been charged with a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to receive a permit pursuant to this Part in his own name or in any other name until such time that such charges have been resolved.
- f) Any person who has been convicted of a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit pursuant to this Part in his own name or in any other name for a period of up to five (5) years from the date of the conviction.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

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NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow

2) CODE CITATION: 17 Ill. Adm. Code 670

3) SECTION NUMBERS: ADOPTED ACTION:

670.10 Amendments
670.20 Amendments
670.21 New Section
670.40 Amendments
670.50 Amendments
670.60 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) EFFECTIVE DATE OF AMENDMENTS: **APR 05 1994**

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 4, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: December 27, 1993, 17 Ill. Reg. 21907

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 670.21(c), "leasing 40 acres of more" was changed to "leasing 40 acres or more"; "(of 40 acres or more land)" was changed to "(or 40 acres or more)"; and "owning 40 acres or more land for permits" was changed to "owning 40 acres or more for permits".

In Section 670.21(e), a new sentence was added at the end of the paragraphs: "An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd."

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In Section 670.60(d), Ten Mile Creek, a closing parenthesis was added following the zip code and an opening parenthesis was added prior to "(1)".

In Section 670.60(e), Clinton Lake, was changed to read as follows:

Clinton Lake (Inner Peninsula and Mascoutin Areas Only) (~~Hunters will apply to site for permit to hunt specific time period within statewide season; permits shall be allocated.~~Hunters shall be selected to hunt a specific time period within the statewide season by drawing held at site; procedures for application and drawing shall be announced by news release; hunters must fill one site specific ~~deer permit~~harvest one doe before being allowed to take an antlered deer; permittees who violate the rules or provisions of this hunt will forfeit their participation privileges for the remainder of the season)

In Section 670.60(e), Marseilles, a closing parenthesis was added following "October".

In Section 670.60(f), Beaver Dam, a closing parenthesis was added following "office" and an opening parenthesis was added prior to "(1)".

In Section 670.60(f), Iroquois, a closing parenthesis was added following "Preserve" and an opening parenthesis was added prior to "(1)".

In Section 670.60(f), Pere Marquette, a closing parenthesis was added following "Office" and an opening parenthesis was added prior to "(1)".

In Section 670.60(g), Des Plaines, the period at the end of the paragraph was deleted.

In Section 670.60(g), Joliet, the periods in this paragraph were changed to semi-colons and the first letter of the following word was put in lower-case and a closing parenthesis was added following "privileges and an opening parenthesis was added prior to "(1)".

In Section 670.60(g), Moraine View, a closing parenthesis was added following "season" and an opening parenthesis was added prior to "(1)".

In Section 670.60(g), the first period in the paragraph was

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changed to a semi-colon, the "H" in "Hunters" was changed to lower-case and the period at the end of the paragraph was deleted.

In Section 670.60(i), in all four sites, a closing parenthesis was added at the end of the language and an opening parenthesis was added prior to "(1)".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments establish fees for non-resident landowner permits; standardize state site tree stand regulations; open Indian Creek Management Unit and Beaver Dam to hunting; expand Quality Deer Management Program; specify new regulations for Joliet Army Ammunition Plant.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements - Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36) [20 ICS 5 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired at March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 11. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. _____, effective _____, APR 05 1994.

Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in Chapter 61, Section 2.26 of the Wildlife Code apply in this rule.
- b) For Cook, DuPage, Kane and Lake counties - October 1 through January 12.
- c) For all other counties - October 1 through January 12, closed during the period when deer hunting with a firearm is permitted as set

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out in 17 Ill. Adm. Code 650, except Department of Conservation (Department or DOC) owned or managed sites designated below by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994 _____)

Section 670.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Archery Deer Permit" (\$15.00). Deer permit fees for non-resident archery hunters shall be \$100.00 for each either-sex archery permit and \$25.00 for the antlerless-only archery deer permit. Non-residents must purchase an either-sex permit in order to be eligible for an antlerless-only permit. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. For permit applications and other information, write to:

Department of Conservation
Archery Deer Permit Office
924 South Second Street, Room 210
P.O. Box 19227
Springfield, Illinois 62794-9227

b) Applicants must submit an application using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his individual application.

c) Dates of acceptance of applications will be announced publicly. Archery applications received after September 1 cannot be guaranteed a permit by October 1.

d) Landowners including non-resident and out-of-state landowners who own 40 or more acres of land or resident tenants renting or leasing 40 acres or more of land and members of their immediate family whose permanent domicile is the same as that of the landowner or tenant, may apply for a free permit for their property only. Landowners or tenants having been issued a free landowner/tenant either-sex archery permit shall be issued an additional antlerless-only free landowner/tenant archery permit. The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents. (Ill. Rev. Stat. 1991, ch. 617 par. 2-2b) (520-ibcS-572.26f).

e) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing with the landowner or tenant or permanently residing on the same property. If the property is owned or rented by more than one person, only one landowner (and

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his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, it 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits. Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit. For the shareholders of the lessee, lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

f) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Hunting and mineral rights leases are not valid for a tenant permit. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain, crops or livestock for profit.

g) Permits are not transferable. Refunds will not be granted. h) A three dollar \$3.00 service fee will be charged for replacement permits issued by the Department of Conservation (Department or DOC), except that there will be no charge for permits lost in the mail, then there will be no charge. Monies from this source will be deposited in the Wildlife and Fish Fund.

i) Applicants submitting applications for an archery permit after September 1 will not be guaranteed a permit by October 1.

j) Out-of-state applicants must contact the Department of Conservation Archery Deer Permit Office, 924 S. Second Street, Room 210, P.O. Box 19227, Springfield, Illinois 62794-9227, for a non-resident application and fee information.

k) Anyone may submit an application for All resident applicants are eligible to receive one antlerless-only Archery Deer Permit (\$15.00) (\$25.00 for non-residents) fee. The application period for these permits will be announced via a news release. The application for receipt of this antlerless-only Archery Deer Permit will not attach a hunter's eligibility to receive any other deer permit, except for non-residents who must purchase an either-sex permit. First non-residents must purchase an either-sex permit (\$100.00) in order to be eligible for one antlerless-only permit (\$25.00).

l) The maximum number of either-sex archery deer permits an applicant can receive is two either-sex and one antlerless-only.

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(Source: APR 05 1994) 18 Ill. Reg. _____, effective _____

Section 670.21 Deer Permit Requirements - Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free permit for their property only. Resident landowners or tenants having been issued a free landowner/tenant either-sex archery permit shall be issued an additional antlerless-only free landowner/tenant archery permit for their property only. Nonresident Illinois landowners (of 40 acres or more) are also eligible to apply for an either-sex permit and an antlerless-only permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for permits for their property only shall be \$50.00 for each either-sex permit and \$25.00 for each antlerless-only permit. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.
- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- e) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submission to the Permit Office. The shareholder either sex permit shall be free to resident shareholders, and the cost to

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nonresident shareholders shall be \$50.00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd.

f) The application period for these permits will be publicly announced. Applicants submitting applications for an archery permit after September 1 will not be guaranteed a permit by October 1.

(Source: APR 05 1994) 18 Ill. Reg. _____, effective _____

Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
 - b) The recipients of the Archery Deer Hunting Permit shall record their ~~include the hunter's signature, date of birth, hunting license number (unless exempt), and physical description recorded on the permit and be carried on the must carry it on their person while hunting.~~
 - c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. ~~the head/antler and hide tag shall be attached to the head/antler and hide when detached from the carcass.~~ The head/antler tag and hide tag must remain attached to the appropriate parts until when the deer/parts of deer is delivered to a licensed fur buyer, tanner, or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.
 - d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
 - e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. ~~Resident~~ Legal disposal of unfit deer taken shall be the responsibility of the hunter.
- (Source: APR 05 1994) 18 Ill. Reg. _____, effective _____

Section 670.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following

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subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office be determined that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed the permit office will process only the number of applications allowed by administrative rule but will retain the fees for all applications. These monies will be deposited into the Wildlife and Fish Fund.

1) Using a hunting rights lease, mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain an archery deer permit;

2) Submitting more applications in the same name or by the same person for an archery deer permit than allowed for in Section Sections 670.20 and 670.21;

3) Providing false and/or deceptive information on the deer permit application form.

4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36) [520 ILCS 5/3.36].

5) Applying for more than two either-sex archery deer permits or one antlerless-only permit.

b) Any violations of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars 1.1 et seq.) [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code, Chapter 1), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) The subsections listed below are referred to by number in subsections 670.60(c) through (f). Some of the sites listed in subsections 670.60(c) through (f) have numbers in parentheses which explain the definitions in this Section which apply to that site:

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in Section 510.10(c)(3) and must be portable.

2) Only one tree stand is allowed per hunter.

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1) Tree stands may be left unattended overnight only during the period from two weeks before through two weeks after the close of archery deer season.

4) Tree stands may be left unattended overnight only during the archery deer season.

5) Tree stands may be left unattended overnight only during the archery deer season. They may not be left overnight for more than four consecutive nights.

6) Tree stands may be left unattended overnight only on Saturday nights during archery deer season.

b) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3), and must be portable. Only one tree stand is allowed per deer permit holder.

c) Tree stands may be left unattended during the deer season at those sites listed in the following subsections that are followed by a (1).

c1) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:

Cache River State Natural Area ((1) (2)-(4))

Campbell Pond Wildlife Management Area ((1) (2)-(4))

Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle Lake Wildlife Management Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; permit must be returned by February 15; no hunting in dedicated Nature Preserve) ((1) (3))

Dog Island Wildlife Management Area ((1) (2)-(4))

4. ~~Huron-Hazlet State Park (North of Attention Branch and West of Peppenhurst Branch only) (1) (2)-(5))~~

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area, a part of this site, closed to hunting three 3 days prior to the regular duck season (1)).

Kidd Lake State Natural Area ((1) (2)-(5))

Kirkcald-Bake-Fish-Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas ((1) (2)(5))

4. ~~bowden-Miller State Forest (hunters must sign in and sign out and~~

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[illegible]

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25 and 26 ((1) (4))

Oakland Conservation Area (1)(f)(7)(f)(7)

Panther Creek Conservation Area (1) (47)

Wauke County Conservation Area (No hunting after November 30 in Area A; no hunting after December 15 in Area C)

Kend Lake Project Lands and Waters

Sandy Ford Conservation Area (LaSalle County)

Sahgale, County Conservation Area

Sanganis Conservation Area (1) (47)

Shawnee National Forest

Sunsol Mine (Fulton and Schulyer Counties)

Ten Mile Creek Fish and Wildlife Management Area - Eads, Dalgren, and Gosnell Trail Units only (permit required; areas designated as Refuge are closed to all access during Canada Goose season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney IL 62450) by February 15 (11)157

Wildcat Hollow State Forest

Witkowski-State-Wildlife-Area

(d) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following sites:

Hyggle Lake State Park

Barrier Marsh, Fish, and Wildlife Area

* Big Bend Conservation Area (11437)

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Bill River State Forest

Castle Rock State Park (season - November 1 through statewide closing December 31 (1))

Clifton Lake (Inner Peninsula and Mascoutin Areas Only) Hunters
will apply-to-site-for-permit-to-hunt-specific-time-period-within
statewide-season;--permits--shall-be-allocated Hunters shall be
selected to hunt a specific time period within the statewide
season by drawing held at site; procedures for application and
drawing shall be announced by news release; hunters must harvest
one doe fill-one-site-specific-doe-permit before being allowed to
take an antlered deer; permittees who violate the rules or
provisions of this hunt will forfeit their participation
privileges for the remainder of the season)

Clawford County Conservation Area (1) (37)

Eldon Hazlet State Park (north of Allen Branch and west of
Peppenhorse Branch - north of Allen Branch only has a check
station.)

Ferne Clyffe State Park (1) (2) -- (4)

Fort de Chartres Historic Site ((1) +27-(57))

Will Massac State Park (1) (2) (3) (4)

Franklin Creek State Park

Want City State Park ((1)+(2)+(4))

(Green River State Wildlife Area (Lee County Conservation Area)
(closed during permit pheasant season)

Horseshoe Lake Conservation Area - Alexander County - Public Access Hunting Area (open from October 1st until 14th days prior to the opening of the Quota Zone Goose Season); reopens with the close of the quota zone goose season through statewide closing; other portions of the Public Hunting Area open during statewide season) (1) (2)-(4)

Kirkaid Lake Fish and Wildlife Area ((1))

124 Wildlife Management Area (1) (2) - (47)

Johnson Sauk Trail State Park (October 1 - the day before the upland game season and on Mondays and Tuesdays during the upland game season) {{1}}

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Jubilee College State Park (closed the 1st weekend - Saturday and Sunday - of October)

Mackinaw River State Fish and Wildlife Area (October 15 through statewide closing)

Marseilles Fish and Wildlife Area (no hunting on Friday, Saturday, or Sunday in October); (1) (1) (3)

Marshall State Fish and Wildlife Area

* Randolph County Conservation Area (1) (2) (5)

* Red Hills State Park (1) (3)

* Rice Lake (season - the day after the close of the duck season through statewide closing)

Saline County Conservation Area (1) (3)

* Sam Parr Fish and Wildlife Area (1) (2) (3)

Shabbona Lake State Park (Indian Road Wildlife Management Area)

* ~~Sitcom--Springs--State--Park--(archery--deer--season--closed--during second--firearm--deer--season--only)~~ (1) (2) (3) (4)

Silver Springs State Park (daily quota posted at site; quota filled on first-come, first-serve basis)

Southern Illinois University - Indian Creek Management Unit (1)

Tapley Woods State Natural Area

Trail of Tears State Forest (1) (2) (4)

Turkey Bluffs Fish and Wildlife Area (1) (2) (5)

Union County Conservation Area - Public Goose Hunting Area (open from October 1--15 until 25 days prior to the opening of the Quota Zone Goose Season; reopens with close of quota zone goose season through statewide closing); Firing Line Management Unit (open during statewide season) (1) (2) (4)

* Washington County Conservation Area (bow deer hunters must wear a cap and upper outer garment of solid blaze orange of at least 400 square inches between 9:00 a.m. and 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed during the site's controlled pheasant hunting season (1) (2) (5))

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Wayne Fitzgerald State Recreation Area except closed Wednesday through Sunday during Controlled Pheasant hunting season, see 17 Ill. Adm. Code 530 (1) (2) (4)

Woodford County Conservation Area

(1) Statewide regulations as provided for in this Part shall apply for deer bow hunting except that hunters must check out and report their harvest; any reduced hunting season and/or daily hunting hours if required are given in parentheses for the following sites:

* Anderson Lake Conservation Area

Beaver Dam State Park (except in designated hunting area where hunting dates are from October 24 through October 30, October 31 through November 6 and November 7 through November 13; number of hunters limited during each 7-day period; public drawing held at site office) (1)

Iroquois County Conservation Area (closed Wednesday through Sunday of the permit pheasant season and during the non-permit pheasant season, except that hunting is permitted according to statewide regulations in the 80 acres north and east of Hooper Branch Nature Preserve) (1) (2) (4)

Pere Marquette State Park (except in designated areas where hunting dates are from October 25 through October 31, November 1 through November 7 and November 8 through November 14); number of hunters limited during each 7 day period; public drawing held at Site Office (1) (3)

Pyramid State Park (1) (2) (3) (4)

Weinberg-King State Park

(3) Statewide regulations as provided for in this Part shall apply ~~and in addition except that~~ hunters must obtain site permits at the site office or through the mail prior to hunting and must report success immediately after taking deer ~~with additional~~. Additional requirements are given in parentheses ~~at the following sites~~:

Des Plaines Conservation Area (closed during the site's pheasant hunting season, except open on Mondays and Tuesdays only)

Des Plaines Game Propagation Center (hunters must park at the east gate and walk to the hunting area, hunting hours are statewide opening to 12:00 p.m. and must be out by 1:00 p.m.; hunters must also sign in and sign out with the daily quota to be filled on a first-come, first-served basis.)

Joliet Army Ammunition Plant (a \$15 site archery hunting fee may be charged in addition to the statewide deer permit fee; hunters

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may register beginning August 1 at the site office, and must present a current archery deer hunting permit at that time; check in, check out required; daily site quota will be filled on a first-come, first-served basis; failure to check out, entry into restricted areas or buildings, or other violations may result in loss of hunting privileges) (1)(1)

Kaukaee River State Park (Bow deer hunters hunting south of the Kaukaee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed; the area north of the Kaukaee River is closed to all hunting after November 30)

Mississippi Palisades State Park (season November 1 through December 31)

Moraine View State Park (closed Wednesday through ~~Saturday~~ Sunday during pheasant season) (1) ~~(2)~~-(4)

* Mt. Vernon Game Propagation Center (permits issued on a first-come, first-served basis; if quota is exceeded, drawing will be held on September 15; failure of hunters to sign in and out daily will result in forfeiture of site permit for remainder of season; daily quota to be filled on first-come, first-served basis) (1)(4)

Pekin Lake State Fish and Wildlife Area (no hunting south of Big Lick Creek; one deer per hunter per year)

Sand Ridge State Forest ~~(4)~~ (1)(1)

* Spring Lake Conservation Area

Union County Conservation Area - Refuge Unit - open the last 3-day weekend (Friday, Saturday, Sunday) in October; hunter quota filled via public drawing held at the Site Office

Wilksky State Fish and Wildlife Area

971) Statewide regulations as provided for in this Part shall apply except as noted. All hunters must check in and check out and report deer harvested at the check station. Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas. Only antlerless deer and deer with at least one antler with 5 or more points on one side may be harvested.

Sangchris Lake Fish and Wildlife Area

971) Statewide regulations as provided for in this Part shall apply except that only antlerless deer, or antlered deer having at least 4 points on one side, may be harvested. Site-specific regulations will be

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publicly announced:

Lowden-Miller State Forest (hunters must sign in, sign out, and report harvest) (1)(1)

Site "M" Cass-County (hunters must sign in and sign out at the hunter check station; parking in designated areas only) (1)(1)

* Silvan Springs State Park (archery deer season closed during second firearm deer season only; hunters must sign in, sign out, and report harvest) (1)(1)

Ten Mile Creek Fish and Wildlife Management Area - Belle River Unit only (permit required; areas designated as Refuge area closed to all access during Canada Goose Season only; permits must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney IL 62540) (1)(1)

971) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only from 3 days following the close of fishing through statewide closing. Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing shall be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear DOC issued back patch while hunting. Individuals who have purchased a statewide archery permit are eligible to receive a daily site antlerless only permit, subject to drawing procedures. Hunting is closed on Mondays and Tuesdays.

Heidecke State Fish and Wildlife Area

971) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant hunting season in designated areas only. Daily quota filled on first-come, first-served basis. Monday hunting hours are per statewide regulations. Tuesday hunting hours are from one-half hour before sunrise to 2:00 p.m. and hunters must check out by 3:00 p.m. The area is closed to hunting on Christmas Day. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse. A special late season hunt will be held December 26-27-28 through statewide closing. Daily quota filled on a first-come, first-served basis. Statewide regulations as provided in this Part shall apply. Hunters must check in, check out, and report deer harvested at the Oak Point Access Area, where check in regulations will be posted.

Chain O'Lakes State Park

971) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 shall result in loss of hunting privileges at the site for the following year.

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Clinton Lake State Recreation Area (except Mascoutin Area and Inner Peninsula) (Tree stands must be marked with site hunting permit number visible from ground level) ((1) (2)-(4))

Laurel Creek State Park

Fox Ridge State Park ((1) (2)-(5))

Hamilton County Conservation Area ((1) (3))

Hidden Springs State Forest ((1) (2)-(4))

Lake Shelbyville Eagle Creek Wildlife Management Area

Meimet Conservation Area ((1) (2)-(4))

Newton Lake State Fish and Wildlife Area (Statewide regulations apply; check deer at headquarters; return permit to site office)

* Ramsey Lake State Park ((1) (3))

* Sam Dale Lake Conservation Area ((1) (2)-(5))

* Stephen A. Forbes State Park ((1))

††††† Hunters must obtain free permit from site office; permit must be returned and harvest reported by February 15; failure to return permit shall result in loss of hunting privileges the next season.

Kickapoo State Park ((1) (2)-(4))

Middlefork Fish and Wildlife Area ((1) (2)-(4))

††††† Hunters will apply to site for permit to hunt specific time period within statewide season; permits shall be allocated by random drawing at site; procedures for application and drawing shall be announced by news release; permit holders are required to return their permit and report harvest within ten days after the close of statewide bow season.

Walnut Point Fish and Wildlife Area

††††† negotiations between the Department and the United States Army are successfully concluded in time to have deer hunting at this site; regulations and requirements shall be publicly announced.

Gettysburg Arsenal Ammunition Plant (Will County)

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

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1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Firearms

2) CODE CITATION: 17 Ill. Adm. Code 650

3) SECTION NUMBERS: ADOPTED ACTION:

650.20 Amendments
650.21 Amendments
650.23 Amendments
650.30 Amendments
650.40 Amendments
650.50 Amendments
650.60 Amendments
650.65 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) EFFECTIVE DATE OF AMENDMENTS: APR 05 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 4, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: December 27, 1993, 17 Ill. Reg. 21927

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 650.20(k)(1), "preprinted Data-Mailer" was deleted.

Section 650.20(k)(4) was deleted.

In Section 650.21(1), the following sentence was added at the end of the subsection: "An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd."

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In Section 650.21(m), "or receive" was added following "that apply for".

In Section 650.23(d), "or special hunt area" was deleted.

In Section 650.60(b), "subsection 510.10(c)(3)" was replaced with "17 Ill. Adm. Code 510.10(c)(3)".

The Section Source Note for Section 650.65 was changed to read "Amended".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments increase the number of permit applicants eligible for lottery preference; establish fees for non-resident landowner permits; define muzzleloader; prohibit full metal jacket bullets; limit hunters on public land to one tree stand; add Indian Creek Management Unit and Argyle Lake State Park to the list of sites open to hunting; expand the Quality Deer Management Program.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER 1: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements - Landowner/Tenant Permits - Paid-and-free
650.22	Deer Permit Requirements - Special Hunts
650.23	Deer Permit Requirements - Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or Managed Sites
650.65	Youth Hunt
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat., ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) 1520 ILCS 5.1.3, 1.4, 1.13, 2.24, 2.25, 2.26, and 3.36).

ADDITION: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified 5 Ill. Reg. 10610; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 10007, effective October 20, 1984; amended at 9 Ill. Reg. 10213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 156 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15730, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 13468, effective July 30, 1994.

APR 05 1994

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$10.00). Deer permit fees for non-resident firearm deer hunters shall be \$100.00 for each eligible firearm permit and \$25.00 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area

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stated on the permit. Only applicants who receive an eligible permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information visit:

Department of Conservation
Firearm or Landowner/Tenant or Non-Resident)
Permit Office
100 South Second Street, Room 210
Springfield, Illinois 62794-9227

1) Applications from residents will be accepted through April 30, of the current year. Applications received after April 30 will not be included in the lottery. Permits will be allocated in a computerized random drawing in which only one choice of hunt area or county will be considered. Permits will be issued as either sex, antlerless only, or antler only. A maximum of one eligible and one antlerless-only permit shall be issued per person. Applicants for free or paid landowner/tenant permits are not eligible to participate in the lottery.

2) Applicants must check the second-season box if they agree to accept a second season permit upon being rejected for a full-season permit. If the applicant checks the second-season box and is rejected in the lottery the applicant will receive preference in next year's lottery.

3) Applicants must check the antlerless-only box and enclose an additional \$15.00 (\$25.00 for non-residents) if they want to apply for an antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

4) Permits for counties and special hunt areas with unfilled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 21 and ending August 31 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 21 will be processed in the August 21 daily drawing. A list of unfilled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who have not previously issued firearm permits for the current hunting season. A maximum of one eligible and one antlerless-only permit shall be issued per person.

5) Those applicants who have already received a firearm permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county and season specified on their eligible permit beginning August 15-29. Applicants shall complete an application form, provide a photocopy of their eligible permit, and enclose a check for \$15.00 (\$25.00 for non-residents).

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1) In-person and mail-in applications will receive equal treatment in the drawing. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day.

2) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.

3) Applications for non-resident firearm permits will be accepted beginning August 21 and will be included with the residents in the Random Daily Drawing. Applications received prior to August 21 will be processed in the August 21 daily drawing.

4) There will be an application period which starts August 30 29 and ends November 7, during which anyone (regardless of any other permit they may have) can apply for firearm deer permits (\$15.00-fee) left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season eligible permits in the county applied for. Second-season antlerless-only permits shall only be issued to successful applicants that have second-season eligible permits in the county applied for. Applicants submitting application after October 25 24 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "August 30 29-Multiple Permits" on the outside of the envelope and mark the "August 30 29-Multiple Permits" box on the firearm deer permit application.

5) ~~landowners-or-tenants--having-been--issued--a--free--landowner/tenant firearm-permit--shall--be--issued--an-additional-free-antlerless-only landowner/tenant-firearm-permit--this--additional-permit--does--not affect-a-landowner-or-tenant's-eligibility-to-apply-for-additional permits-as-designated-in-this-Section~~

6) In order to be eligible for lottery preference, the second-season box must have been checked on the application form of unsuccessful applicants when they were rejected. Beginning in 1995, hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from 1992 the previous year who were unsuccessful did not receive an antlerless permit due to the counties of their choice being full of applicants that received in the previous year, a second season eligible permit in the lottery only. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery

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- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.
- Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) A copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.
- 1) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- 2) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where a lease has been obtained from the property owner.
- 3) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- 4) Shareholders of corporations owning 40 or more acres of land in a county may apply for a ~~one~~ free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a ~~free~~ permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a ~~free~~ permit by the shareholders of the trustee. If application is made for a ~~free~~ permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder ~~signature~~ permit shall be free to resident shareholders and the cost to nonresident shareholders shall be \$50.00. An ~~application for shareholder permit~~ application for shareholder permit shall be made available if in the best interest of managing the deer herd.
- 5) Landowners or tenants may apply as of August 30 for a bonus antlerless only permit ~~for 40 acres~~ for 40 acres and/or a second permit ~~for 40 acres~~ for 40 acres from any permits not issued as of August 30 in the random-draw drawing. They apply for or receive landowner/tenant firearm deer

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Permits may not apply for additional permits in the lottery of the first lottery drawing.

(Source: Amended at 18 III. Reg. _____, effective _____, APR 05 1994)

Section 650.23 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group will be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope will be processed separately.
- b) Each individual must sign his or her own application.
- c) Applicant must enclose a separate \$5.00 check or money order for the appropriate amount for each application or the applications will be returned.
- d) In order to receive preference for the group, all members must have preference for the same county ~~or special-hunt-area~~ choice. If any member does not have preference for the group's county ~~or special-hunt-area~~ choice, the entire group will not receive preference. The group leader's hunter number is the number identified in the hunter number field on the group leader's application mailer. If the application mailer is lost, the applicant should contact the Permit Office for the leader number.
- e) Applicants applying as a group will be rejected if they do not list the same county or special hunt area choice, complete the group leader information listing the identical group leader, and complete the second season option box identically.

(Source: Amended at 18 III. Reg. _____, effective _____, APR 05 1994)

Section 650.30 Statewide Firearms Requirements

- a) The only legal hunting devices to take, or attempt to take, deer are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
 - 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) The minimum size of the muzzleloading firearm projectile shall be .440 caliber. A wad or sleeve is not considered a projectile

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of a part of the projectile. Full metal jacket bullets cannot be used to harvest white-tailed deer.

2) Only black Black powder or Pyrodex only may be used.

3) Percussion caps or flint type ignition only may be used.

4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

Section 650.40 Statewide Deer Hunting Rules

a) The tag limit is one deer per legally authorized eligible, antlered only or antlerless-only permit. An eligible permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) The recipients of the Firearm Deer Hunting Permit shall include the hunter's ~~recipient~~ their signature, ~~date-of-birth~~, Firearm Owner's identification number (unless exempt), hunting license number (unless exempt) and physical description recorded on the permit and carried ~~on the permit~~ on the permit while hunting.

c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide-tag shall be returned to the head/antler and hide when detached from the carcass. The head antler tag and hide tag must remain be attached to the appropriate parts until when the deer/parts of deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Deer shall be checked in by the hunter in person by 8:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site. Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section.

d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non transferable).

e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal ~~Disposal~~ Legal disposal of unfit deer taken shall be the responsibility of the holder.

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(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

Section 650.50 Rejection of Application/Revocation of Permits

a) In the event that an applicant is in violation of one of the following paragraphs, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 250.0. Should the permit office it be determine ~~determine~~ determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed ~~improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed~~ the permit office will process only the number of applications allowed by administrative rule but will retain the fees for all applications. ~~these fees will be deposited into the Wildlife and Fish Fund.~~

1) Using hunting rights lease or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit;

2) Submitting more applications in the same name or by the same person for Firearm Deer Permits than the number of legally authorized permits.

3) Applying prior to August 29 for a firearm deer permit if the applicant has already been issued a muzzleloading rifle deer permit or a list, paid landowner permit. ~~Applying prior to August 29 for a firearm deer permit if the applicant has already been issued a muzzleloading rifle deer permit or a list, paid landowner permit.~~

3a) Providing false and/or deceptive information on the deer permit application form.

4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (11. Rev. Stat. 1991, ch. 61, par. 3.36) 1520 ILCS 5/3.361.

5) Applying for firearm deer permits if the applicant has already been issued a muzzleloading rifle deer permit prior to August 14. ~~Applying for firearm deer permits if the applicant has already been issued a muzzleloading rifle deer permit prior to August 14.~~ Any violation of the Wildlife Code (11. Rev. Stat. 1991, ch. 61, pars. 3.1 et seq.) 1520 ILCS 5) or administrative rules of the Department (17 Ill. Adm. Code, Chapter 1), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 253.0.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and trapping apply in this Section, unless this Section is more restrictive.

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1. The lands that are used for hunting deer must be legibly marked with the words "deer" and "hunting" and a telephone number when left unattended. The land must be marked with restrictions listed in 17.111. Adm. Code 604.10(f)(1) and must be portable. Only one tree stand is allowed per deer hunting unit.

2. The subsections listed below are referred to by number in subsections throughout the Act. Some of the sites listed in subsections 17.111. Adm. Code 604.10(f)(1) through 604.10(f)(10) have numbers in parentheses which explain the definitions in this section which apply to that site.

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17.111. Adm. Code 604.10(f)(1) and must be portable. Tree stands may be left unattended only during the firearm-deer season or as specified in 17.111. Adm. Code 604.10(f)(10).

2) Only one tree stand is allowed per hunter.

3) Tree stands may be left unattended during the deer season at those sites listed in the following subsections that are followed by a (1):

a) Statewide regulations shall apply at the following sites:

Campbell Pond Wildlife Management Area ((1) (2))

Carlisle Lake Wildlife Management Area except Subimpoundment Area

Cache River State Natural Area ((1) (2))

Chauncey Marsh - (Permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by February 15 ((1))

Crawford County Conservation Area ((1))

Doy Island Wildlife Management Area ((1) (2))

Effingham State Park ((1))

Hamilton County Conservation Area ((1))

Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except for the Public Goose Hunting Area ((1) (2))

17.1 Wildlife Management Area

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area ((1) (2))

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Kinkaid Lake Fish and Wildlife Area ((1) (2))

Mississippi River Pools 16, 17, 18, 21, 22, 24 ((1))

Mississippi River Pools 25, 26 ((1) (2))

Newton Lake State Fish and Wildlife Area - (sex-specific site permits - attached by on-site drawing; procedures and dates to be announced by news release - permits to be carried at all times by successful applicants while in field for scouting and/or hunting; scouting/hunting only in assigned management unit - the site will be closed to all access except firearm-deer hunters during the firearm-deer season)

Oakford Conservation Area

Panther Creek Conservation Area ((1))

Rend Lake Project Lands and Waters

Saline County Conservation Area ((1))

Saline County Conservation Area

Sangamon Conservation Area ((1))

Shawnee National Forest - Bokne-Scatters

Shawnee National Forest - Oakwood-Bottoms

Southern Illinois University - Indian Creek Management Unit ((1))

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek Fish and Wildlife Management Area - Eads, Dahlgren and Goshen Trail Units only (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned by February 15 to District Wildlife Manager, PO Box 313, Olney IL 62450 February 15 ((1))

Union County Conservation Area - firing line management unit ((1) (2))

Wildcat Hollow State Park

d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Port de Chartres State Park Historic Site (hunting in designated areas only; muzzleloading firearms only) ((1) (2))

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GRANT CITY STATE-PARK (11) (22)

Pete Maquette State Park (11)

Pyramid State Park (11) (22)

Trail of Tears State Forest (11) (22)

Turkey Bluffs Fish and Wildlife Area (11) (22)

Weinkety-King State Park

22) Statewide regulations shall apply and in addition all hunters must have a free permit allocated by mail-in drawing held at Regional Office on October 19. Only one permit per person will be issued. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Any duplicate applications will be denied and the hunter will forfeit his rights to a site permit. Permit holders must check in at the site check station by 5:30 a.m. Permits are void for that day after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. Each permit will be valid for only one of the two firearm deer seasons. The following regulations apply at Heidecke State Fish and Wildlife Area. Vacancies created by hunters checking out may be filled from a standby list. No more than two (2) applications may be submitted as a group for the October 19 drawing; and hunters under 16 years of age must hunt with an adult who is eligible to hunt at Heidecke State Fish and Wildlife Area. Hunters will be issued a site specific, season specific, antlerless-only permit which must be used prior to taking a deer with their county-wide permit.

Heidecke State Fish and Wildlife Area

Papley Woods

Wilkowsky State Wildlife Area

22) Statewide regulations shall apply except hunting allowed by permit only during the first 3-day portion of the firearm deer season. Hunter permits are allocated by a mail-in drawing held at the Regional Office of site office on October 19. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site check station by 5:30 a.m. each day. Unvalidated permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. at the sites. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Green River (Lee County Conservation Area) (11)

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Hogback County Conservation Area

Mississippi Palisades State Park

Morrison Rockwood State Park

22) Statewide regulations shall apply except hunting allowed by permit only. Each permit will be valid for both of the firearm deer seasons and permits will be allocated by a mail-in drawing to be held at the Regional office on October 19. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site by 5:30 a.m. each day. Unvalidated permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing until 1:00 p.m. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Angyle Lake State Park

Big River State Forest (11)

Castle Rock State Park (11)

Lowden-Miller State Forest (special-regulations-for-the-site-will-be-publicly-announced only antlerless deer or antlered deer having at least 4 points on one side, may be taken) (11)

Mackinaw River State Fish and Wildlife Area (one deer only per hunter per year)

Marseilles Conservation Area

Marshall State Fish and Wildlife Area

22) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every night for the next day's hunt. Drawings for Kickapoo State Park and Middle Park State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Kickapoo State Park (11) (22)

Middle Park Fish and Wildlife Area (11) (22)

22) Statewide regulations shall apply, except hunting is allowed by permit only allocated via statewide lottery process. All permit holders must sign in and sign out at the site check station between 4:30 a.m. and 5:30 a.m. and exchange their hunting license for a back patch which must be worn at all times. It is unlawful to park anywhere on the site except at designated parking areas. Hunters must check-out and report their harvest immediately after hunting (11) Only antlerless deer, or antlered deer having at least 4 points on one side, may be harvested.

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511. "M" and ~~added from Commonwealth Edison, Cook County~~
 17b) Statewide regulations shall apply. Hunters must check in at the site check station beginning at 4:30 a.m. and obtain a back patch before hunting. All hunters must check out immediately after hunting (17f):
 Sand Ridge State Forest (All hunters must have a current Sand Ridge State Forest Firearm Deer Permit, obtainable via the lottery process through the Deer Permit Office) (11)

17c) Statewide regulations shall apply. A maximum of 20 hunters will be allowed on the site each day. Hunter registration begins at the check station at 4:00 a.m. each day of the season. If more than 20 hunters register by 4:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt.

17d) Statewide regulations shall apply, except as noted. Hunting is allowed by permit only. First and second season permits will be allocated by mail-in drawings at the site office. The registration procedures, hunter quota and dates for these drawings will be announced by public news release. All individuals must possess a current Christian County or Sangamon County Firearm Deer Permit. Permits available after the drawings will be allocated on a first-come or first-come basis from the site office. All permit holders must sign in by 6:30 a.m. at the site office for the North and East Mainland Area, by 6:30 a.m. for the Peninsula on the Friday of the first season and the Thursday of the second season and by 9:30 a.m. all other days. Daily vacancies will be filled on a first-come basis at the site office beginning immediately after the sign-in deadline. Check-in and check-out and reporting of deer harvested is required of all hunters. 1. minimize safety concerns regarding the simultaneous hunting of deer and waterfowl, the Peninsula will be closed to deer hunting until 11:00 a.m. on the Saturday and Sunday of the first season and the Friday, Saturday and Sunday of the second season. Firearm deer hunters on the North and East mainland Areas may hunt during statewide hours during the entire firearm deer season. Only antlerless deer and deer with at least one antler having 5 or more points on one side may be harvested.

Sangchris Lake Fish and Wildlife Area
 17e) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the District Site Office. Permits will be for Area A or Area B/C. Permits for Area A will be valid for the first 3-day deer season only; Area B/C permits will be valid for both seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit.

Pike County Conservation Area
 17f) Statewide regulations shall apply; the hunting date is October 31 29, 1993 1994. Hunters must have a special permit allocated by a mail-in drawing. Only paid firearm deer permit holders who possess a valid Alexander County firearm deer permit are eligible. Permits are valid

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For one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be posted with the Deer Firearm Permit for Alexander County.

Holsehoe Lake Conservation Area - Alexander County (Alexander County permit holders only)

17b) Statewide regulations shall apply; the hunting date is the last Saturday in January 1994. Hunters must have a special permit allocated by a mail-in drawing. Only paid permit holders who were unsuccessful during the previous year's shotgun season are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1993 Deer Firearm permits for Knox County.

Snake Den Hollow (Knox County permit holders only)

17c) Statewide regulations shall apply except hunting is by special permit only obtained through statewide lottery for the Des Plaines Conservation Area; hunting dates are November 19-20 and 21-1993-only the first firearm season only; the area is closed to firearm deer hunting during the second statewide season; hunters are required to hunt in assigned, designated areas only; areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted; hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting; the site office is the only check station for this hunt; all deer taken must be taken to the check station as per regular firearm deer hunting regulations; hunters under 16 years of age must be accompanied by an adult while hunting, the accompanying adult is exempt from provisions of 17 ill. Adm. Code 510.10(c)(5).

Des Plaines Conservation Area

17d) Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in drawing held at the Regional Office on October 19. Only persons with a valid Douglas County Firearm Permit for the portion of the season for which they wish to hunt are eligible to apply. Only one permit per hunter will be allocated. Duplicate applications will be denied and will cause forfeiture of applicant's opportunity for a site permit. Hunter's Douglas County Permit must be used to tag harvested deer. Hunters must report harvest at the site office immediately after the daily hunt, but in any case, no later than 7:00 p.m.

Walnut Point Fish and Wildlife Area

17e) Statewide regulations shall apply. Hunting is open for the second firearm deer season only. Hunters must possess a valid permit for either Adams or Brown County. Hunters will be selected by a mail-in drawing held at the park office. All hunters are required to sign in and sign out at the office before and after the day's hunt. Hunting will be allowed in designated areas only. Only antlerless deer, and

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antlered deer having at least 4 points on one side, may be harvested.

Siloam Springs State Park

(v) Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in drawing held at the Regional office on October 19. Only persons who hold a valid Lake Shelbyville Project Lands-Shelby County Permit are eligible to apply. Only one permit per person shall be allocated. Duplicate applications will be denied and the hunter will forfeit rights to obtain a site permit. Hunters must wear a site-specific back patch while hunting and deposit the back patch and harvest report at the site office at the end of the daily hunt.

Wolf Creek State Park

(v) Statewide regulations shall apply. Hunters must have a special site-specific permit. The specific hunter qualifications, season dates and restrictions and allocation procedures for the special site specific permits will be publicly announced.

Koeckel State Park

(v) Statewide regulations shall apply, except hunting is allowed by permit only. First and second season sex-specific site permits will be allocated by mail-in drawing held at the site office. The registration procedures, hunter quota and date for the drawing will be announced by public news release. All individuals must possess a valid Jasper County Firearm Deer Permit. Scouting will be allowed daily 10:00 a.m. until 2:00 p.m. in all huntable units beginning the day after Labor Day. No scouting will be allowed during the Firearm Deer Season. All hunters must check in and obtain a backpatch by 5:30 a.m., and check out prior to leaving the area, returning backpatch and reporting their kill by 5:30 p.m. All deer taken will be tagged with the hunter's Jasper County Firearm Deer Permit. No ATVs will be allowed. Hunter access will be by vehicle parking in designated areas or by boat. All boats are to be launched from the ramp access only. Violation of site regulations will result in revocation of site hunting privileges for the balance of the firearm deer season. The site will be closed to all access, except firearm deer hunters, during the firearm deer season.

Newton Lake Fish and Wildlife Area

(v) Statewide regulations shall apply. Hunter registration begins at the check station at 5:00 a.m. each day of the season. If more than the maximum quota of hunters register by 5:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt. Hunters must pick up an information packet before going afield. Hunting will only be allowed north of the black top road.

Permet Conservation Area (1) (2)

(v) If negotiations between the Department and the United States Army are successfully concluded in time to have deer hunting at this site, regulations and requirements shall be publicly announced. Statewide regulations shall apply except hunting is by special permit only obtained during the statewide lottery for the Joliet Army Ammunition

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Plant (JAP). Those receiving permits must register by November 1 with the District Wildlife Manager's Office and will be randomly assigned to hunting locations. Hunters will be issued site hunting permits which must be displayed while hunting and will be notified of any other procedures. After opening day, hunters will be allowed to move as space permits. Hunters are required to hunt within 50 feet of assigned locations. There will be an additional \$15.00 site hunting fee for hunting at the JAP. All hunters must check in and out daily at the site check station and report harvest.

Joliet Arsenal Ammunition Plant (Will County)

(v) Statewide regulations shall apply except that only antlerless deer, or antlered deer having at least 4 points on one side, may be taken. Ten Mile Creek Fish and Wildlife Management Area - Belle River Unit only (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned by February 15 to District Wildlife Manager; F.O. 000 3137, Olney IL 62450) (11)

(Source: APR 05 1994 18 Ill. Reg. _____, effective _____)

Section 650.6 Youth Hunt

Statewide regulations shall apply; the youth hunting date will be the first three days of the statewide firearm deer season. Youth hunters must have a special permit allocated by a mail-in drawing. Only paid firearm permit holders who possess a valid Massac County Firearm Deer Permit are eligible. Permits will be valid for the three-day season. Any duplicate applications will be denied and those persons shall forfeit their right to a permit. Shooting is allowed from elevated tree stands only. Applicants must be between the ages of 10-15.

Port Massac State Park (1) (2) - Youth Deer Hunt

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

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1) HEADING OF THE PART: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles

2) CODE CITATION: 17 Ill. Adm. Code 660

3) SECTION NUMBERS: ADOPTED ACTION:

660.20 Amendments
660.30 Amendments
660.40 Amendments
660.50 Amendments
660.60 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

5) EFFECTIVE DATE OF AMENDMENTS: APR 05 1994

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 4, 1994

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: December 27, 1993, 17 Ill. Reg. 21952

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 660.60(d), Ten Mile Creek, a comma was added following "Management Area".

In Section 660.60(k), Ten Mile Creek, a closing parenthesis was added following the zip code and a opening parenthesis was added prior to "(1)".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

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15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments provide a definition of muzzleloader; prohibit full metal jacket bullets; require that tree stands left on public areas be marked with owner's name, etc., when unattended; limit number of tree stands per hunter on public sites to one; add Indian Creek Management Unit to open sites; expand Quality Deer Management Program.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 660
WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section
660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
660.22 Deer Permit Requirements - Special Hunts
660.25 Deer Permit Requirements - Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective APR 05 1994.

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). Muzzleloading rifle deer permit fees for non-residents shall be \$100.00 for each either-sex muzzleloading permit and \$25.00 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information write to:

Department of Conservation
(Muzzleloading Rifle)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

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- b) Applications from residents shall be accepted through April 30 of the current year. Applications received after April 30 shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which only one choice of hunt area or county shall be considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want ~~to receive the opportunity~~ to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- d) Permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning August 2 1 and ending August 19 12 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 2 1 will be processed in the August 2 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning August 30 29. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).
- f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed. All applications received on a specific day shall be processed before processing applications received for a subsequent day.
- g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.

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h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning August 21 and will be included with the residents in the Random Daily Drawing.

i) There will be an application period which starts August 29 and ends November 7 during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits for that county. Applicants submitting applications after October 25 24 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "August 30 29-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "August 30 29-Multiple Permits" box on the muzzleloading rifle deer permit application.

j) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.

- 1) The applicant must apply using the official agency preprinted data-mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choice which he/she listed on the previous year's application.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

k) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

l) Permits are not transferable. Refunds shall not be granted unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

m) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

o) Persons with lottery preferences (if any) who did not receive a separate Muzzleloading Rifle Deer Permit during the previous year's lottery

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shall have first chance at receiving available permits--the following year--

(Source: Amended at 18 Ill. Reg. _____, effective
APR 05 1994)

Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.)
- b) The standards and specifications for use of such muzzleloading firearm are as follows:
 - 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) The minimum size of the muzzleloading firearm projectile shall be .440 caliber (wad or sleeve is not considered part of projectile). Full metal jacket bullets cannot be used to harvest white-tailed deer.
 - 3) Only black powder or Pyrodex may be used.
 - 4) Percussion Only percussion caps of flint type ignition only may be used.
 - 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 18 Ill. Reg. _____, effective
APR 05 1994)

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall include the hunter's record their signature, date of birth, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt), and physical description recorded on the permit and be carried on the must carry it on their person while hunting.

c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly

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attaching the leg tag to the deer. ~~the head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass.~~ The head/antler tag and hide tag must remain be attached to the appropriate parts ~~until~~ when the deer/parts of deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.

d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).

e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal ~~Disposal~~ of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

Section 660.50 Rejection of Application/Revocation of Permits

a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should ~~the permit office determine~~ it be determined that the violation was without the knowledge of the applicant, ~~improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed~~ the permit office will process only the number of applications allowed by administrative rule but will retain the fees for all applications. These monies will be deposited into the Wildlife and Fish Fund.

- 1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit.
- 2) Submitting more application in the same number or by the same person for a Muzzleloading Rifle Deer Permit than allowed in Section 660.20. ~~This will also result in the forfeiture of application fees submitted.~~
- 3) Applying prior to August 29 for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit ~~prior to August 14.~~
- 4) Providing false and/or deceptive information on the deer permit application form.
- 5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife

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Code.

b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 18 Ill. Reg. _____, effective APR 05 1994)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) ~~The subsections listed below are referred to by number in subsections 660-660(c) through (h). Some of the sites listed in subsections 660-660(c) through (h) have numbers in parentheses which explain the definitions in this Section which apply to that site.~~

~~1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510-10(c)(3) and must be portable. Tree stands may be left unattended during the deer season at those sites listed in the following subsections that are followed by a (1).~~

~~2) Only one tree stand is allowed per hunter.~~

~~b) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Only one tree stand is allowed per deer permit holder.~~

~~c) Tree stands may be left unattended during the deer season at those sites listed in the following subsections that are followed by a (1).~~

~~c)d) Statewide regulations shall apply at the following sites:~~

Cache River State Natural Area ((1) (2))

Campbell Pond Wildlife Management Area ((1) (2))

Carlyle Lake Wildlife Management Area except Subimpoundment Area

Chauncey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; permits must be returned by February 15; no hunting in dedicated Nature Preserve ((1))

Crawford County Conservation Area ((1))

Dog Island Wildlife Management Area ((1) (2))

Hamilton County Conservation Area ((1))

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~~Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area - except the public-goose hunting areas - (1) (2)~~

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where muzzleloading firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area (1) (2)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (1) (2)

Oakford Conservation Area

Panther Creek Conservation Area (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sanganois Conservation Area (1)

~~Shawnee National Forest~~

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek Fish and Wildlife Management Area, Eads, Dahlgren and Goshen Trail Units only (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned to District Wildlife Manager, P.O. Box 313, Olney, Ill. 62450 by February 15 (1))

~~Union County Conservation Area - firing line management unit - (1) (2)~~

Wildcat Hollow State Park

d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres Historic Site (hunting in designated areas only (1) (2))

Giant City State Park - (1) (2)

Kinkaid Lake Fish and Wildlife Area - (1) (2)

~~Mernett Conservation Area - hunting north of blacktop road - only (1) (2)~~

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Pere Marquette State Park (1)

Pyramid State Park (1) (2)

~~Trail of Tears State Forest - (1) (2)~~

Turkey Bluffs Fish and Wildlife Area (1) (2)

Weinberg-King State Park

e) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every day for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Hidden Springs State Forest (1) (2)

Jubilee College State Park

Kickapoo State Park (1) (2)

Middle Fork Fish and Wildlife Area (1) (2)

~~Moreau State Park~~

f) Statewide regulations shall apply, except hunters must check in and check out at the site check station (1)

Ferne Clyffe State Park (1) (2)

Giant City State Park (1)

Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except the public goose hunting area (1)

I-24 Wildlife Management Area (1) (2)

Kinkaid Lake Fish and Wildlife Area (1)

Mernett Conservation Area (hunting north of blacktop only) (1)

Sand Ridge State Forest (1)

Southern Illinois University Indian Creek Management Unit (1) Tapley Woods State Natural Area (muzzleloader only permits are not valid during the second firearm deer season)

Trail of Tears State Forest (1)

Union County Conservation Area - firing line management (1)

g) Hunting is permitted the last four days of the statewide firearm deer season only and by special permit only. Permits will be allocated by a firearm deer permit mail-in drawing at the site office. The registration procedure, hunter quota and date for the drawing will be announced by public news release. All individuals must possess a current Christian County or Sangamon County Muzzleloading Rifle Deer Permit to be eligible for the drawing. Special Sangchris Lake firearm deer permits available after the drawing will be allocated on a first-call or first-come basis from the site office. All permit holders must sign in by 6:30 a.m. at the site office for the North Mainland Area and East Mainland Areas. Permit holders for the Peninsula Area must sign in by 6:30 a.m. on the Thursday of the second statewide firearm deer season, and by 9:30 a.m. all other days. Daily

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vacancies will be filled on a first-come basis at the site office beginning immediately after the sign-in deadline. Check in and check out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl, the Peninsula will be closed to deer hunting until 11 a.m. on the Friday, Saturday and Sunday of the December firearm deer season. Shotgun and muzzleloader hunters on the North and East Mainland areas may hunt during statewide hunting hours. Only antlerless deer and deer with at least one antler with 5 or more points on one side may be harvested.

Sangochris Lake Fish and Wildlife Area
h) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the Regional Site Office. Permits shall be valid for Area B/C only. Only one permit shall be valid for the season. Only one permit per person shall be issued. Any duplicate applications shall be denied and the hunter shall forfeit his rights to a permit.

Pike County Conservation Area
i) Hunting is allowed during the muzzleloading rifle deer season only; by special antlerless permit only. Application procedure and special regulations to be announced by news release.

Delair Division of the Mark Twain National Wildlife Refuge
k) Statewide regulations shall apply except that only antlerless deer, or antlered deer having at least 4 points on one side, may be taken.

Ten Mile Creek Fish and Wildlife Management Area - Belle River
Unit only (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney IL 62450) ((1))

(Source: Amended at 18 Ill. Reg. _____, effective
APR 05 1994)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP.

NOTICE OF ADOPTED RULE

1) **Heading of the Part:** Information, Rulemaking and Organization

2) **Code Citation:** 2 Ill. Adm. Code 2950

3) **Section Numbers:** **Adopted Action:**

2950.10 New Section
2950.20 New Section
2950.30 New Section
2950.40 New Section
2950.50 New Section
2950.100 New Section
2950.110 New Section
2950.120 New Section
2950.200 New Section
2950.210 New Section
2950.220 New Section
2950.230 New Section
2950.240 New Section
2950 Appendix A New Section

4) **Statutory Authority:** Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140 et seq.] and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

5) **Effective Date of Rule Amendments:** APR 05 1994

6) **Does this rulemaking contain an automatic repeal date?** No.

7) **Does this rule amendment contain incorporation by reference?** No.

8) **Date Filed in Agency's Principal Office:** APR 05 1994

9) **Notice of Proposal Published in Illinois Register:**

This is an internal rule and the publication of a first notice in the Illinois Register is not required.

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- 10) Has JCAR issued a Statement of Objections to these rules?
No, this is an internal rule.
- 11) Differences between proposal and final version: Not applicable.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.
- 13) Will this rule amendment replace an emergency rule amendment currently in effect? No.
- 14) Are there any amendments pending in this Part? No.
- 15) Summary and Purpose of Rule Amendments: This Part sets forth the preliminary organizational rules of the Low-Level Radioactive Waste Task Group, including public information and rulemaking.
- 16) Information and questions regarding this adopted rule shall be directed to:

Robert W. Wagner and Associates, P.C., legal counsel
133 South Fourth Street, Suite 306 (Street Zip Code: 62701)
P.O. Box 5428
Springfield, IL 62705
(217) 523-4423 - office
(217) 523-4366 - facsimile

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED RULE

TITLE 2: GOVERNMENT ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LVI: LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

PART 2950

INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
2950.10	Applicability and Scope
2950.20	Definitions
2950.30	Access to Information
2950.40	Public Information Requests and Submissions
2950.50	Meetings of the Task Group

SUBPART B: RULEMAKING

Section	
2950.100	Rulemaking Procedures
2950.110	Public Petitions for Rulemaking
2950.120	Hearings on Rulemaking

SUBPART C: ORGANIZATION

Section	
2950.200	Organization
2950.210	Task Group Action
2950.220	Amendment of Organization Rules
2950.230	Work Plan
2950.240	Unspecified Matters
Appendix A:	Chart of Organization of the Task Group

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140 et seq.] and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

SOURCE: Adopted at _____ Ill. Reg., effective _____, APR 05 1994

NOTE: Capitalization denotes Statutory language.

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SUBPART A: PUBLIC INFORMATION

Section 2950.10 Applicability and Scope

- a) To protect the public health, safety and welfare, the Low-Level Radioactive Waste Task Group shall develop proposed criteria for selection of a site for a facility for the disposal of low-level radioactive waste away from the point of generation. **ADOPTION OF THE CRITERIA IS NOT SUBJECT TO THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT.** [420 ILCS 20/10.2]. The Task Group shall accept public comments on the proposed criteria and adopt criteria following review of the public comments on the proposed criteria. The Task Group shall also hold public meetings on at least three sites to determine whether the sites satisfy the criteria.
- b) This Part sets out the opportunities for public involvement and participation in the various functions of the Task Group in its role in the fulfillment of the State's obligation to its citizens to provide for the safe management of low-level radioactive waste produced within its borders.
- c) This Part applies to any persons seeking information from or submitting comments to the Task Group. It also applies to the Task Group in carrying out the mandates of the Act.

Section 2950.20 Definitions

As used in this Part, the following terms shall mean:

"Act" means the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

"Chairman" means the Chairman of the Low-Level Radioactive Waste Task Group.

"FOIA" means the Illinois Freedom of Information Act [5 ILCS 140 et seq.].

"Task Group" means the members of the Low-Level Radioactive Waste Task Group.

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Section 2950.30 Access to Information

- a) The public can obtain information on subjects, programs or activities of the Task Group by contacting the Chairman in writing. Certain records may be exempted from disclosure under the FOIA.
- b) For the creation of press releases, the Task Group will follow the procedure in the document entitled "Development and Approval Process for Task Group Press Releases", which shall be made available to the public upon request to the Chairman.

Section 2950.40 Public Information Request and Submissions

- a) All files created or received in the execution of the Task Group's responsibilities under the Act shall be open to public inspection and copying as provided by law.
- b) Any person may submit a specific written request to inspect or copy public records in accordance with the provisions of the FOIA. The request should identify or describe the public records or information contained therein. The requestor shall state whether the request is for inspection of public records, copies of public records or both.
- c) All requests made to the Task Group for public records shall be directed to the Chairman of the Task Group at the office of the Task Group's legal counsel, Robert E. Wagner and Associates, P.C., 133 South Fourth Street, Suite 306, Springfield, Illinois 62701.
- d) The Chairman may delegate the response to the person(s) familiar with, or having responsibility for, the information requested.
- e) The Chairman, or his designee, shall respond to a written request within seven working days from receipt of the request. The time for response may be extended for up to seven additional working days for any of the responses provided in Section 3(d) of the FOIA. Notice of any extension shall be provided within the original seven working days and shall state the reasons why the extension is necessary.
- f) Categorical requests creating an undue burden upon the Task Group shall be denied only after extending to the requestor an opportunity to narrow the request to manageable proportions in accordance with Section 3(f) of the FOIA, which

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reads as follows: REQUESTS CALLING FOR ALL RECORDS FALLING WITHIN A CATEGORY SHALL BE COMPLIED WITH UNLESS COMPLIANCE WITH THE REQUEST WOULD BE UNDULY BURDENSOME FOR THE COMPLYING Task Group AND THERE IS NO WAY TO NARROW THE REQUEST AND THE BURDEN ON THE Task Group OUTWEIGHS THE PUBLIC INTEREST IN THE INFORMATION. BEFORE INVOKING THIS EXEMPTION, THE Task Group SHALL EXTEND TO THE PERSON MAKING THE REQUEST AN OPPORTUNITY TO CONFER WITH IT IN AN ATTEMPT TO REDUCE THE REQUEST TO MANAGEABLE PROPORTIONS. IF THE Task Group RESPONDS TO A CATEGORICAL REQUEST BY STATING THAT COMPLIANCE WOULD UNDULY BURDEN ITS OPERATION AND THE CONDITIONS DESCRIBED ABOVE ARE MET, IT SHALL DO SO IN WRITING, SPECIFYING THE REASONS WHY IT WOULD BE UNDULY BURDENSOME AND THE EXTENT TO WHICH COMPLIANCE WILL SO BURDEN THE OPERATIONS OF THE Task Group. SUCH A RESPONSE SHALL BE TREATED AS A DENIAL OF THE REQUEST FOR INFORMATION. REPEATED REQUESTS FOR THE SAME PUBLIC RECORDS BY THE SAME PERSON SHALL BE DEEMED UNDULY BURDENSOME UNDER THIS PROVISION. [5 ILCS 140/3(f)]

g) The Chairman may charge fees to reimburse the Task Group's actual cost for reproducing the records requested, except that no fee will be charged for copies of documents that are produced by the Task Group for distribution without charge to the general public as stipulated by Section 10.2 (b) and (c) of the Act. Charges for copies of public records shall be assessed at ten cents per page for paper copy from paper originals (8-1/2 by 11 or 8-1/2 by 14) and fifty cents per page for computer printout (paper). The fees for reproducing records in a form not listed above (e.g., computer tapes, video tapes, maps, etc.) will be the actual cost of reproducing such records incurred by the Task Group. If the requestor asks that copies of the public records be sent to him/her, postal charges shall be assessed at the actual rate charged to the Task Group.

h) The Chairman may require payment of any fees due prior to providing copies of the public records. Any fees collected pursuant to the FOIA for costs of copying shall be deposited into the General Revenue Fund.

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i) If a request, or part thereof, is denied, the denial shall be accompanied by, or include, notice of the requestor's right to appeal and an explanation for the procedures for appeal pursuant to Section 9 of the FOIA. The requester's right to appeal shall be to the Chairman of the Task Group. Failure to respond to a written request within seven working days may be considered by the requestor as a denial.

Section 2950.50 Meetings of the Task Group

a) Meetings of the Task Group shall be called by the Chairman. Meetings shall be scheduled as far in advance as practicable. All meetings shall be scheduled in accordance with the provisions of the Open Meetings Act. (Ill. Rev. Stat. 1991, ch. 102, par. 41.01 et seq.) [5 ILCS 120/1.01 et seq.]

b) If a change is made in meeting dates, at least 10 days notice of such change shall be given by publication in a newspaper of general circulation, with notice of such change posted at the meeting site and supplied to those media that have requested annual information.

c) Public notice of all meetings or reconvened meetings, shall be given at least 24 hours before such meetings, except that public notice of reconvened meetings does not apply to any case where the meeting is to be reconvened within 24 hours, nor to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

d) Robert's Rules of Order shall govern the conduct of all meetings of the Task Group.

e) The Chairman or his designee shall be responsible for all records, reports and files of the Task Group.

SUBPART B: RULEMAKING

Section 2950.100 Rulemaking Procedures

a) The Task Group may initiate rulemaking procedures in accordance with the applicable provisions of the Illinois Administrative Procedure Act on its own initiative as necessary in order to further the purposes of the Task Group.

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- b) Rules shall be voted upon by the Task Group in accordance with standard parliamentary procedure at open public meetings.
- c) The Task Group will follow the provisions of the Illinois Administrative Procedure Act and the Rulemaking Procedures for Codification (1 Ill. Adm. Code 100) of the Office of the Secretary of State.

Section 2950.110 Public Petitions for Rulemaking

Public petitions for rulemaking must be submitted in writing to the Chairman of the Task Group. Such petitions will be reviewed by the Chairman or his designee and all petitions will be submitted to the members of the Task Group for their consideration.

Section 2950.120 Hearings on Rulemaking

- a) The Chairman may convene hearings on rules proposed by the Task Group whenever the interest of the State would be best served by such proceedings in order to establish a record of public comment. The Task Group shall keep a complete and accurate record of all hearings including the votes of individual members on all matters before it. Such hearings shall be conducted in accordance with the Open Meetings Act. Notice and opportunity for public comment will be provided in accordance with the general rulemaking provisions of the Illinois Administrative Procedure Act.

- b) Notice of a rulemaking hearing shall be given in accordance with the Illinois Open Meetings Act. The notice shall include the date, time and place of the proceedings.

- c) Any person may record the proceedings at meeting by tape, film or other means. The Task Group may prohibit such recording during the testimony of any person at a rulemaking hearing in accordance with the provisions of Section 2.05 of the Open Meetings Act. Minutes of rulemaking hearings shall be available for public inspection within seven days after approval by the Task Group.

- d) The Chairman or his designee shall state at the beginning of the public meeting/hearing the manner in which the meeting/hearing will be conducted. The members of the Task Group shall be permitted to question anyone who testifies at the rulemaking hearing. The Chairman may set time limits on submitting oral testimony and may request interested persons to register as a proponent or opponent and testify in that order so that persons representing a particular stand

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED RULE

on the issues can present their comments sequentially in order to make consideration of the issues easier. The Chairman may vary the order in which persons will testify for the convenience of witnesses who have time constraints.

- e) Any person may submit written comments at a rulemaking hearing without registering to testify. Such comments shall be signed by the person making the submission.

SUBPART C: ORGANIZATION

Section 2950.200 Organization

- a) The Task Group consists of nine members and one *ex officio* member appointed by the Governor with the consent of the Senate. The Chairman of the Task Group is designated by the Governor. The members shall receive compensation of \$300 per day for their services on the Task Group unless they are officers or employees of the State, in which case they shall receive no additional compensation, except that travel expenses will be reimbursable in accordance with the State's Travel Reimbursement policy. The members of the Task Group shall be members until they resign, are replaced by the Governor or the Task Group is abolished. An organizational chart of the Task Group is attached as Appendix A.

- b) Administrative and secretarial support will be provided to the Task Group by the Illinois Department of Nuclear Safety, as described in the document "IDNS Support for the Illinois Low-Level Radioactive Waste Task Group", which shall be made available to the public upon request to the Chairman.

Section 2950.210 Task Group Action

- a) A quorum shall consist of five members. A quorum shall be required to conduct any business of the Task Group.
- b) Any action taken by the Task Group under the Illinois Low-Level Radioactive Waste Management Act shall require the affirmative vote of a majority of all of the members. Unless otherwise provided therein, such action shall take effect immediately.

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED RULE

Section 2950.220 Amendment of Organizational Rules

These Organizational Rules may be amended at any meeting by a majority of the members present, provided that the proposed amendment shall have been distributed to the members at least five business days prior to such meeting. Any amendment shall be effective immediately upon filing a certified copy of the amendment with the Secretary of State.

Section 2950.230 Work Plan

The Task Group shall create a Work Plan, which shall outline the tasks to be completed by the Task Group in working toward its goal and the person or persons responsible for each task, and which shall be revised from time to time as needed. The Work Plan shall be made available to the public upon request to the Chairman.

Section 2950.240 Unspecified Matters

All matters not specified by these Organizational Rules shall be governed by the Illinois Low-Level Radioactive Waste Management Act, the Freedom of Information Act, the Open Meetings Act, the Illinois Administrative Procedure Act and the latest edition of Robert's Rules of Order whenever applicable.

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED RULE

Section 2950. Appendix A Chart of Organization of the Task Group

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

CHAIRMAN:

TASK GROUP MEMBERS

NOTE: The Illinois Low-Level Radioactive Waste Management Act requires that the 9 voting members of the Task Group represent the following:

Director of the Environmental Protection Agency
 Director of the Department of Energy and Natural Resources
 Director of the Department of Nuclear Safety*
 Field of geology, hydrogeology or hydrology (4 members)
 Experience in environmental matters (1 member of the public)
 Five years of experience in local government (1 member)

*The Director of the Department of Nuclear Safety shall serve as a voting member until adoption of the criteria. Upon adoption of the criteria, the Director of the Department of Nuclear Safety shall be replaced on the Task Group by a member designated by the Governor and confirmed by the Senate, at which time the Director of the Department of Nuclear Safety shall become an *ex officio* member. The Governor's designee will serve as an *ex officio* member until the adoption of the criteria, at which time she shall become a voting member.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) Section Numbers: Adopted Action:
 1270.5 Amendment
 1270.10 Amendment
 1270.13 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 3255 and 3256) [225 ILCS 330/5 and 330/6].
- 5) Effective Date of Amendments: **APR 05 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1994
- 9) Date Notice of Proposal Published in Illinois Register: September 10, 1993, at 17 Ill. Reg. 14550.
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:

In the table of contents heading for Section 1270.10, "Applications" was changed to "Application" to make it agree with the text.

Section 1270.13(d)(1) was changed to read: "All of a Professional Land Surveyor applicant's experience and at least two-thirds of a Surveyor-in-Training applicant's experience shall be acquired in the following."

In Section 1270.13(d)(2), "a Surveyor-in-Training applicant's" substitutes for "an applicant's".

Style and typographical changes also were made.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes, but no agreement letter with ICAR was required since there were no substantive changes.
- 13) Will these Amendments replace an Emergency Amendment currently in effect?
 No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
 This rulemaking expands the Experience Section of the rules to give candidates for land surveyor licenses more information about experience requirements for licensure. The rules stipulate that at least two-thirds of the applicant's experience shall be acquired in the areas of preparing maps and locating land boundaries and land boundary corners. Also listed are areas in which no more than one-third of the applicant's experience may be acquired.
- Applications for licensure by examination will be required to file applications with the Department by December 1 for the spring examination and by June 1 for the fall examination. Currently the filing deadlines are December 15 and June 15. The dates are being moved up because the National Council of Examiners for Engineering and Surveying (NCEES) has moved up the dates by which examinations must be ordered.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section 1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Applications <u>Application</u> for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Corporations and Partnerships
1270.50	Renewals
1270.60	Granting Variances

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 (Ill. Rev. Stat. 1991, ch. 111, pars. 3251 through 3299) [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. _____, effective _____.

APR 05 1994

DEPARTMENT OF PROFESSIONAL REGULATION

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Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination

a) An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the "Act") [225 ILCS 330] ~~(Ill. Rev. Stat. 1989, ch. 111, par. 3251 et seq.)~~ shall file an application, on forms supplied by the Department of Professional Regulation (the "Department"), by December 14th for the spring examination and June 14th for the fall examination. The application shall include the following:

1) Certification of education completed by the educational institution attended and/or experience verified by the employer of one of the following:

- A) A baccalaureate degree in land surveying from an accredited college or university;
- B) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses;
- C) A baccalaureate degree in a related science, as defined in Section 1270.15, from an accredited college or university and two (2) years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 8 months;
- D) An associate degree in land surveying technology from an accredited junior college and three (3) years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 12 months;
- E) An associate degree in engineering technology from an accredited junior college and four (4) years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 16 months; ~~or~~
- F) An associate degree in a related science from an accredited junior college and six (6) years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 24 months; or

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G) A high school diploma or GED and eight (8) years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 32 months.

2) A complete work history indicating all employment since fulfillment of the educational requirements set forth in subsection (1) above.

~~3) If such applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice, including the following:~~

~~A) The date of issuance of the applicant's license and the current status of such license;~~

~~B) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and~~

~~C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.~~

3) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

4) The required fee specified in Section 21 of the Act.

b) Beginning January 1, 1998, an applicant shall have a baccalaureate degree in land surveying from an accredited college or university, or a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution (Section 13 of the Act) (Section 13 of the Act).

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(Source: Amended at 18 Ill. Reg. _____ effective APR 05 1994)

Section 1270.10 ~~Applications~~ Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Department by December 145 for the spring examination and June 145 for the fall examination. The application shall include the following:

a) Educational and experience requirements.

1) Applicants filing after January 1, 1986:

A) Shall have met one of the educational and experience requirements set forth in Section 1270.5;

B) Shall have been issued a license as a Professional Land Surveyor-in-Training; and

C) Shall have completed at least four (4) years of ~~approved~~ experience in land surveying ~~approved~~ in accordance with ~~as set forth in~~ Section 1270.13(a), (b), (c) and (d)(1). Such experience shall be subsequent to passage of the Fundamentals of Land Surveying examination.

2) Applicants who have obtained four (4) years of experience or more in the practice of land surveying PRIOR TO January 1, 1982:

A) Shall have met one of the educational and experience requirements set forth in Section 1270.5(a)(1); and

B) Shall have completed at least four (4) years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1). Applicants shall be permitted to continue acquiring experience without being issued a Professional Land Surveyor-in-Training license.

b) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

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- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction; and
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- ~~b) If such applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice, including the following:~~
- 1) ~~The date of issuance of the applicant's license and the current status of such license;~~
- 2) ~~The basis of licensure and a description of the examination by which the applicant was licensed, if any; and~~
- 3) ~~Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant~~
- c) Verification of experience form, completed by the employer, indicating the required four (4) years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1).
- d) A complete work history indicating all employment since fulfillment of the educational requirements set forth in Section 1270.5.
- e) The required fee specified in Section 21 of the Act.

(Source: Amended at 18 Ill. Reg. _____ effective **APR 05 1994**)

Section 1270.13 Experience

The experience requirements set forth in Section 1270.5 and 1270.10 shall meet the criteria described below.

- a) Credit shall be given for actual experience in the practice of land surveying as defined in Section 5 of the Act.
- b) Such experience shall be under the direct supervision and control of a

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professional land surveyor as defined in Section 4(d) of the Act.

- c) In addition to the above requirements, the four years of experience set forth in Section 1270.10(a)(1)(C) shall be in the responsible charge of land surveying operations as defined in Section 4(e) of the Act.
- d) Experience shall be in areas of land surveying practice designated in subsections (d)(1) and (d)(2) of this Section or in other areas which, in the opinion of the Board, provide the applicant with knowledge of practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas listed below.
- 1) All of a Professional Land Surveyor applicant's experience and at least two-thirds of a Surveyor-in-Training applicant's experience shall be acquired in the following:
 - A) Locating land boundaries and land boundary corners, including the following services:
 - i) Researching public and private records;
 - ii) Relocating lost or obliterated corners;
 - iii) Establishing, reestablishing or perpetuating survey monuments;
 - iv) Subdividing sections;
 - v) Establishing or retracing property lines to determine length and bearing;
 - vi) Reestablishing obliterated property lines;
 - vii) Preparing descriptions of real property from data acquired by field measurements;
 - viii) Conducting resurveys; and
 - ix) Writing and interpreting land descriptions.
 - B) Preparing maps, including:

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- i) Maps of sections or portions of sections or townships as established by the original public land survey and subdivisions of those sections in accordance with the manuals of surveying instructions by the federal government and the State of Illinois.
- ii) Subdivision plats prepared in accordance with the Illinois Statutes or local ordinances;
- iii) Certified survey maps prepared in accordance with the Illinois Statutes or local ordinances;
- iv) Maps showing other divisions of land not controlled by statute or ordinance; and
- v) Official plats or maps of land in this State.
- 2) Not more than one-third of a Surveyor-in-Training applicant's experience may be acquired in:

- A) Drafting highway and railroad rights-of-way plans;
- B) Construction staking for highways, roads, streets or similar projects within the boundaries of established rights of way;
- C) Performing topographic surveys;
- D) Developing control networks for aerial photography unless property lines are used for control; and
- E) Performing new building layout or construction surveys or other design related surveys.

(Source: Amended at 18 Ill. Reg. _____, effective **APR 05 1994**)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:
- | | |
|---------|-----------|
| 112.130 | Amendment |
| 112.131 | Amendment |
| 112.141 | Amendment |
| 112.142 | Amendment |
| 112.143 | Amendment |
| 112.144 | Amendment |
| 112.145 | Amendment |
| 112.147 | Amendment |
| 112.155 | Amendment |
| 112.302 | Amendment |
| 112.350 | Amendment |
| 112.352 | Amendment |
| 112.354 | Amendment |
| 112.356 | Amendment |
- Adopted Action:
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.6a) [305 ILCS 5/Art. 4-1.6a new]
- 5) Effective Date of Amendments: March 31, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 31, 1994
- 9) Notice of Proposal Published in Illinois Register:
- November 12, 1993 (17 Ill. Reg. 19436)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: As recommended by the Administrative Code Division, several technical changes were made to these amendments.

In Section 112.143(c)(1)(B), "was paid directly" was changed to "were paid directly." A comma was inserted after the phrase "At intake" in Section 112.143(c)(1)(D). In Section 112.155(c), the sentence "When the HHS poverty guidelines for all States are published for a year, we will implement those amounts effective October 1st that same calendar year." was changed to "when the HHS poverty guidelines for

DEPARTMENT OF PUBLIC AID

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all states are published for a year, the Department will implement those amounts effective October 1 that same calendar year."

In Section 112.354(c), the word "home" was inserted after the phrase "a licensed group child care." No other substantive changes were made to the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.70	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.71	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.72	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.74	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.76	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.77	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.78	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.79	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.80	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.81	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.82	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.83	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.84	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.85	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.98	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.110	Amendment	March 25, 1994 (18 Ill. Reg. 4546)
112.140	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.151	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.151	Amendment	March 25, 1994 (18 Ill. Reg. 4546)
112.252	Amendment	December 31, 1993 (17 Ill. Reg. 22247)
112.253	Amendment	December 31, 1993 (17 Ill. Reg. 22247)
112.254	Amendment	December 31, 1993 (17 Ill. Reg. 22247)
112.300	Amendment	February 18, 1994 (18 Ill. Reg. 2587)

- 15) Summary and Purpose of Amendments: These amendments will enable the Department to implement the Work Pays Project. The Work Pays Project will simplify the system of budgeting earned income within the Aid to Families with Dependent Children program so that it provides AFDC clients with an easily understood financial incentive to seek and maintain employment and leave welfare. The project's primary objective is to substantially increase the percentage of AFDC clients who are working.

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As a result of these amendments, the Department will implement a new earned income calculation system that allows employed clients to retain more of their grants while they transition to self-sufficiency. The new earned income disregards will create a financial incentive for clients to work and supplement their AFDC benefits. Within this new project, it will be financially more advantageous for clients to obtain employment, stay employed and progressively increase their average hours worked per week and wage per hour. The incentive will allow them to achieve a family income higher than the federal poverty level and make them no longer eligible for cash benefits. The entire project will reward clients who work and give them a greater opportunity to become self-sufficient through their jobs.

The simplified system will make it much easier for IDPA workers to explain to clients the impact that employment earnings will have on their grants. The simpler/improved explanations will reduce clients' concerns about whether they can go to work and keep a reasonable level of grant income while adjusting to employment. Clients will be able to understand how the Department's new earned income system applies to them. They will be able to accurately predict how and when their grants will change when their earnings increase. In addition, they will be able to understand the impact on their eligibility for Medicaid and supportive services, such as child care, without having to be concerned with complex time limits. The Department is requesting waivers needed to implement and test the Work Pays Project.

The Work Pays Demonstration Project is designed to make working more profitable than staying on welfare. Employed clients will have 2/3 of their gross earned income disregarded. Only 1/3 of their gross earnings will be budgeted. Under these amendments, public aid recipients will be able to keep \$2 out of every \$3 earned until the family is no longer eligible for a grant.

This new budgeting policy applies statewide except for Champaign and Lake Counties. In these target counties, cases will be assigned to the control group, experimental group or to neither. The control group cases will continue to be budgeted using the former earned income disregards (i.e. \$90 employment expense and \$30 and 1/3 earned income exemption). The experimental groups cases and those not assigned to either group will be budgeted using the new 2/3 disregard.

Under the previous system, incentives to work dropped sharply after four months and disappeared entirely after 12 months. Under the new policy, cash assistance grants will not automatically change after the fourth month, but will be determined by a client's monthly income until that income reaches the poverty level.

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The new budgeting procedure is very simple. For every \$3 an individual earns, the grant will be reduced by \$1 until the family is no longer eligible for a grant. This procedure will be easy for staff to implement, but more importantly, it will be easy for staff to explain to clients. Clients will be able to calculate their benefits and understand the financial benefits of working. The \$2 for \$3 budget initiative allows clients to go to work and keep a reasonable level of grant income while adjusting to employment. It enables them to predict accurately how and when their grants will change as earnings increase and, most importantly, plan for the future. These amendments are also necessary to implement direct payments to child care providers in lieu of the child care disregard for AFDC cases. It is necessary that direct payments to child care providers be implemented in conjunction with the Department's Work Pays Demonstration to allow for a smooth transition, simplicity and to ensure that clients are not negatively impacted.

These amendments will allow the Department to provide direct payment for child care expenses to qualified child care providers except for certain exceptions. As a result of these amendments, child care expenses will only be deductible as an employment expense for cases that are exceptions to direct payment. These amendments also provide that direct payment and the child care deduction will not be allowed when the child care provider is a responsible relative of the child receiving care.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1
112.5

Description of the Assistance Program
Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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Caretaker Relative
Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Social Security Numbers
Assignment of Medical Support Rights
Lack of Parental Support or Care
Death of a Parent
Incapacity of a Parent
Continued Absence of a Parent
Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
112.70
112.71
112.72
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112.81

Participation Requirements For Project Chance
Individuals Exempt From Project Chance
Project Chance Participation/Cooperation Requirements
Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
Project Chance Initial Assessment Process/Development of an Employability Plan
Project Chance Orientation
Conciliation and Fair Hearings
Project Chance Components
Project Chance Sanctions
Good Cause for Failure to Comply With Project Chance Participation Requirements
Responsible Relative Eligibility For Project Chance

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112.82 Project Chance Supportive Services
 112.83 Young Parents Program
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group
 Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group
 Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
 112.98

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees

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112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) (305 ILCS 5/4-1 and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

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111. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective

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December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126,

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effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. —, effective March 31, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
 - 1) the earned income of a stepparent of an AFDC child if the stepparent lives with the assistance unit and is not an SSI recipient;
 - 2) the earned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent receives SSI.
- d) ~~The Except-for-these-recipients-that-are-in-the-experimental-group for-the-Homeless-Families-Support-Project-(See-Section-176.30)-the amount of the total available income of the stepparent or parent under subsection (c) above shall be the income remaining after the following amounts have been deducted:~~
 - 1) As employment expenses, \$90.00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145).
 - 2) An amount equal to the Department's Standard of Need for a family size taking into account the needs of the stepparent or parent, and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims or could claim as federal tax dependents;
 - 3) Amounts paid by the stepparent or parent for alimony or child support to individuals outside the home;
 - 4) Amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims or who could be claimed as federal tax dependents.

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Section 112.130 (continued)

- e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six (6) months each year from comparison to ~~185% of the Standard-of-Need-(see-89-111-Adm.-Code 119.10-to-119.109)~~ the payment level when determining initial eligibility and to the Federal Poverty Level for recipients. For cases in Champaign and Lake Counties assigned to the Work Pays Demonstration control group, earned income received through the Job Training Partnership Act by all dependent children is exempt for six months each year from comparison to 185% of the Standard of Need.
- f) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (working 100 hours or more per month) is exempt in determining the AFDC grant (see Section 112.140 for a definition of "full-time student" and "part-time students"). Participants in Job Corps are considered students.
- g) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (f) above is exempt for only six months each year in determining the AFDC grant.
- h) Earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six (6) months each year from comparison to ~~185% of the Standard-of-Need~~ the payment level at initial application and to the Federal Poverty Level for recipients.
- i) For cases in Champaign and Lake Counties assigned to the Work Pays Demonstration control group, earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six months each year from comparison to 185% of the Standard of Need.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.131 Earned Income Tax Credit

- a) In determining eligibility and level of assistance against the ~~185% Standard-of-Need Federal Poverty Level~~ and the payment level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt.

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NOTICE OF ADOPTED AMENDMENTS

Section 112.131 (continued)

- b) For cases in Champaign and Lake Counties assigned to the control group for the Work Pays Demonstration, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt in determining eligibility and level of assistance against the 185% Standard of Need and the payment level.

(Source: Amended at 18 Ill. Reg. ____, effective March 31, 1994)

Section 112.141 Earned Income Exemption

~~The following is applicable to all except participants in the Homeless Families-Support-Project (See Section 170.30)~~

- a) For cases in Champaign and Lake Counties assigned to the Work Pays control group:

- a) 1) After the \$90.00 disregard for employment expenses is allowed (see Section 112.130), the first \$30.00 of the combined earned income of each employed person (excluding exempt earned income in Sections 112.131 and 112.140) plus one-third of the remainder shall be exempt from consideration for four (4) consecutive months.

- b) 2) After the \$30.00 plus one-third has been allowed for four (4) consecutive months, \$30.00 shall be exempt for an additional eight (8) consecutive months.

- c) 3) Once the \$30.00 plus one-third exemption has been allowed for four (4) consecutive months and the \$30.00 exemption has been allowed for an additional eight (8) consecutive months, the earned income deduction shall not be allowed again until the individual has not received cash assistance for twelve (12) consecutive months.

- b) For all other cases, two-thirds of each employed person's gross earned income shall be exempt.

(Source: Amended at 18 Ill. Reg. ____, effective March 31, 1994)

Section 112.142 Exclusion from Earned Income Exemption

~~The earned income exemption shall not apply.~~

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Section 112.142 (continued)

- a) For cases in Champaign and Lake Counties assigned to the Work Pays Demonstration control group, the earned income exemption shall not apply:

- a) 1) When determining initial eligibility unless the wage earner was a member of an assistance unit which received an AFDC grant payment for any one of the four preceding months (\$0 grant status because of application of the \$10.00 limit on payments is included as receiving an AFDC grant). However, if the assistance unit is determined eligible without the earned income exemption, the earned income shall be recalculated with the earned income exemption applied.

- b) 2) When the earned income exemption has been allowed for four (4) consecutive months, unless and until the person has not received AFDC benefits for twelve (12) consecutive months except for participants in the Homeless-Families-Support-Project (See Section 170.30).

- c) 3) If any individual included in the assistance unit other than a dependent child:

- 1) A) Terminated employment or reduced earned income without good cause within the period of 30 days preceding such month, or

- 2) B) Refused without good cause, within the period of 30 days preceding such month, to accept employment in which the individual was able to engage and which has been determined to be a suitable, available offer of employment, or

- 3) C) Fails without good cause to report income in a timely manner.

- d) 4) When the person is requesting AFDC after being voluntarily terminated to avoid receiving the exemption for four (4) consecutive months.

- b) For all other cases the earned income exemption shall not apply:

- 1) When determining initial eligibility. If the assistance unit is determined eligible without the earned income exemption, the two-thirds deduction shall be applied.

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NOTICE OF ADOPTED AMENDMENTS

Section 112.142(b) (continued)

- 2) If any individual included in the assistance unit other than a dependent child fails without good cause to report income in a timely manner.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.143 Recognized Employment Expenses

- a) For earnings from self-employment and rental property, an amount equal to the expenses directly attributable to producing goods or services or an amount equal to the expenses of rental shall be deducted from income.

- b) For cases in Champaign and Lake Counties assigned to the Work Pays Demonstration control group:

- b1) 1) For employment expenses, \$90.00 shall be deducted from the gross earned income of each employed individual except for participants in the Homeless-Families-Support-Project (See Section 112.30).

- e1) 2) The employment expense allowance is not available to an individual for any month in the following situations:

- 1) A) The individual terminated employment or reduced earned income without good cause (see Section 112.302(f)(1) thru (3) for what constitutes good cause) within the period of 30 days preceding such month, or

- 2) B) The individual refused without good cause, within the period of 30 days preceding such month, to accept employment in which the individual was able to engage and which has been determined to be a suitable, available offer of employment, or

- 3) C) The individual fails without good cause to report income in a timely manner, or

- 4) D) The individual voluntarily requests AFDC assistance to be terminated to avoid receiving the earned income exemption for four consecutive months. (See Sections 112.140 and Section 112.142).

- a) C) Day Child Care

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NOTICE OF ADOPTED AMENDMENTS

Section 112.143(c) (continued)

- 1) Day Care expenses are to be covered as direct payment except as follows:

- A) For children age 13 and over who do not require child care because of a physical or psychological condition or because of court-ordered supervision.

- B) When a family which was receiving AFDC and was utilizing the child care disregard on October 13, 1988 would become ineligible for AFDC if the child care were paid directly.

- C) For the care of an incapacitated adult.

- D) At intake, when determining initial eligibility, the child care deduction pertains to verified child care expense for the month of application.

- 1) 2) For cases that are exceptions to direct payment, use the child care deduction. Child care expenses Expenses-of-child-care shall be deducted from income up to a maximum of \$200.00 per child for each child under age two (2) and \$175.00 for each child age two (2) or older.

- 2) 3) Direct payment and the The child care deduction is are not allowed when the child care provider is a responsible relative (see 89 Ill. Adm. Code 103.10(b)) of the child receiving care.

- 4) Direct payment for child care expenses shall be made to qualified child care providers in accordance with Section 112.354.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.144 Income From Work/Study/Training Program

- a) Income received from on-the-job training programs through WDP shall be considered earned income. The earned income exemption and recognized employment expenses shall be deducted.

- b) Income from college work-study is considered exempt income.

- c) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six (6) months each year from comparison to 150% of the Federal Poverty Level Standard-of-Need.

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Section 112.144 (continued)

- d) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part time students and not employed full-time (working 100 hours or more per month) is exempt in determining the AFDC grant (see Section 112.140 for a definition of "part-time student" and "full-time student"). Participants in Job Corps are considered students.
- e) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in (d) above is exempt for only six months each year in determining the AFDC grant.
- f) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.
- g) Earnings, allowances and payments under Title I of the National and Community Service Act of 1990. The exempt programs include Serve America, Higher Education Innovative Projects, American Conservation and Youth Programs and National and Community Service Programs.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.145 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.
- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit shall be ineligible.
- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Business expenses include funds reinvested into the business except for the purchase of real estate or depreciation.
- d) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the \$90.00 appropriate employment expenses (see Section 112.143). The earned income exemption, if applicable, shall then be computed and deducted from the remaining earned income. The child care expenses shall be covered by direct payment except for the exceptions

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NOTICE OF ADOPTED AMENDMENTS

Section 112.145(d) (continued)

- described in Section 112.143(c)(1). Child care expenses for these cases shall be deducted from the remaining earned income. (see Section 112.143) shall then be deducted from the remaining earned income for participants in the Homeless-Families-Support-Project (see Section 112.143).
- e) Self-employment income, for those individuals who have approved self-employment plans under Section 112.78, is to be gross income less business expenses and the \$90.00 appropriate employment expenses (see Section 112.143). Business expenses shall be computed as defined in subsection (c). The earned income exemption, if applicable, shall then be computed and deducted from the remaining earned income. The child care expenses (see Section 112.143) shall then be deducted from the remaining earned income.
- f) For cases in Champaign and Lake Counties assigned to the control group for the Work Pays Demonstration, \$90.00 shall be deducted after considering the replacement of stock and business expenses and before the applicable earned income exemption.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.147 Income From Rental Property

- a) Income received from rental property owned by a client is considered as earned if the money is produced by the client's services. For example, managing the property or managing the capital investment are ways to qualify rental income as earned. If the client has no specific responsibility for management of the property or the investment the rental does not qualify as earned income.
- b) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental expenses include repairs, taxes, insurance, and utilities if the landlord pays them.
- c) If a client is responsible for cleaning a room and providing clean linens, the income which he receives shall be considered earned income from a roomer rather than earned income from rental property.
- d) For cases in Champaign and Lake Counties assigned to the control group for the Work Pays demonstration, after After deduction of rental expenses, the \$90.00 employment expense, as specified in Section 112.143, shall be deducted.

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NOTICE OF ADOPTED AMENDMENTS

Section 112.147 (continued)

- e) The earned income exemption, if applicable, as specified in Section 112.141, shall be deducted.
- f) Child care expenses shall be covered by direct payment except for the exceptions described in Section 112.143(c)(1), as specified in Section 112.147. Child care expenses for these cases shall then be deducted from the remaining earned income remainder.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.155 AFDC Income Limit

- a) For cases in Champaign and Lake Counties assigned to the control group of the Work Pays Demonstration, if an AFDC unit's total available monthly income before applying any deductions or exemptions including all earned and unearned income and all income available from a stepparent, exceeds 185% of the Standard of Need for a family of that size, the AFDC unit is ineligible for assistance, notwithstanding any other provisions in this Rules.

- b) For all other cases, if at application an AFDC unit's total available monthly income before applying any deductions or exemptions, except for a \$90.00 deduction from gross earnings, exceeds the payment level for a family of that size, the AFDC unit is ineligible for assistance.

- c) For families receiving AFDC, if the unit's total available monthly income before applying any deductions or exemptions including all earned and unearned income exceeds the Federal Poverty level for a family of that size, the AFDC unit is ineligible for assistance. The HHS poverty guidelines will be used as the poverty level. When the HHS poverty guidelines for all states are published for a year, the Department will implement those amounts effective October 1 that same calendar year.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

SUBPART I: OTHER PROVISIONS

Section 112.302 Monthly Reporting

- a) Information reported and groups reporting:

- 1) Each assistance unit in the following groups must submit monthly a written completed report form to the Department on

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Section 112.302(a)(1) (continued)

- A) income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month^{1,2} and
- B) any changes in these factors which the unit expects to occur in the current or future months.

- 2) The groups which must report monthly are:

- A) Families earning income;

- B) Families who are receiving unemployment insurance benefits; and

- C) Families who have lost employment within the last three months.

- b) All AFDC units which must report monthly shall have benefits calculated by considering income and attendant circumstances (such as employment expenses and day care expenses) on a retrospective basis.

- c) When the completed monthly report is received on time the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons ~~reasons~~ for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived. The client will have ten days from the mail date of the notice to request a hearing in order to receive reinstatement.

- d) If the Department does not receive the monthly report or receives only an incomplete report, AFDC may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed monthly report on time. If the client files a completed report within ten days of the date of this notice, the replacement form will be accepted and an AFDC payment will be made if the information on the form indicates the family is still eligible. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days of the date of the notice, assistance is reinstated to the level of the prior month.

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Section 112.302 (continued)

e) When the completed report is received late, if the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days, assistance is reinstated to the level of the prior month.

f) If a completed monthly report is received but not on a timely basis, and the client has earnings, the Department will provide the client with the opportunity to show good cause for not filing the report timely. In order to be timely, a report must be received or postmarked by the fifth (5th) day of the fiscal month following the budget month. (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before the same given day in the next calendar month.) If good cause exists the applicable earned income disregard disregards for work expenses, child/disabled adult-care, and the earned income exemption (30--1/2) will be applied to earnings if appropriate for participants in the Homeless Families Support Project (see Section 170.30). Child care expenses will be covered by direct payment except for the exceptions described in Section 112.143(c)(1). For these exceptions to direct payment, the applicable earned income disregard for child care expenses will be applied to earnings if appropriate. If good cause does not exist, the earned income and child care disregards are not applied. However, clients whose child care expenses are met through direct payment remain eligible for those payments. Good cause exists if circumstances beyond the reasonable control of the client prevented the timely submittal of a completed monthly report. Factors to be considered in determining whether good cause exists include, but are not limited to, the following:

- 1) Did the client have an opportunity to submit the report on time?
- 2) Does the client have a history of submitting his/her monthly report on time?
- 3) Is there any reason to doubt the client's claim of good cause (i.e., repeated claims of good cause)?

g) The Department will notify all caretaker relatives of their responsibility to promptly report expected changes in income, resources, and other factors relevant to AFDC eligibility and payment amount. All AFDC caretaker relatives will be informed of the penalty of loss of income disregards if initial earnings are not promptly reported or the completed required monthly report is not filed timely. All AFDC caretaker relatives will be informed of what

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Section 112.302(g) (continued)

constitutes prompt reporting of expected changes and what constitutes timely submission of monthly reports.

- h) All AFDC caretaker relatives who are required to file monthly reports will be notified of their responsibility, receive a complete explanation of the requirements, and be informed of the due date for the first report.

(Source: Amended at 18 Ill. Reg. ____, effective March 31, 1994)

SUBPART J: CHILD CARE

Section 112.350 Child Care

The Department will guarantee child care:

- a) For each family with a dependent child (as described in Section 112.352 of this Part Section) requiring such care, to the extent that such care is determined by the Department to be necessary for an individual in the family to accept employment or remain employed; and
- b) For each individual participating in activities as provided in Sections 112.74, 112.76, 112.78 and 112.82, including participation in ancillary support services activities such as substance abuse treatment and life skill training, if the Department has approved the activity (in accordance with Section 112.78) and has determined that the individual is satisfactorily participating (as defined at Section 112.78) in the activity.

(Source: Amended at 18 Ill. Reg. ____, effective March 31, 1994)

Section 112.352 Child Care Eligibility

- a) Child care will be provided for a dependent child of a person receiving AFDC to allow such individual to participate in education or training and for employment.
- b) Eligibility is also extended to children who meet the criteria in subsection (a) who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) if the conditions of

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Section 112.352(b) (continued)

subsection (a) are met, and the caretaker relative is also a member of a household receiving AFDC.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.354 Qualified Provider

Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter I, Subchapter Subpart (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshall at 41 Ill. Adm. Code 100, and is provided in any of the following:

a) Child Care Center

1) A child care center licensed by the Department of Children and Family Services (DCFS) which regularly provides day care for less than twenty-four (24) hours per day:

- A) for more than eight (8) children in a family home, or
- B) for more than three (3) children in a facility other than a family home.

2) A child care center exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991 1989, ch. 23, par. 2212.09) [225 ILCS 10/2.09].

b) Licensed Child Care Home or Home Exempt from Licensing

1) A licensed day care home is any family home which provides day care for less than twenty-four (24) hours per day, and for more than three (3) children up to a maximum of 12 eight (8) children (Section 2.18 of the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2212.18)). The maximum of 12 children includes the family's natural or adopted children and all persons under the age of twelve (12). A licensed day care home does not include a home which provides day care to only children from the same household. (Section 2.18 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2212.18) [225 ILCS 10/2.18])

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Section 112.354(b) (continued)

2) A home exempt from licensing is a home in which child care is provided to no more than three unrelated children under the age of twelve (12) years, including the children of the provider, are cared for at one time. This home is not subject to licensing by DCFS.

c) Licensed Group Child Care Home

A licensed group child care home is a home where no more than 16 twelve (12) unrelated children, including the children of the providers, under the age of twelve (12) are cared for (Section 2.20 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991 1989, ch. 23, par. 2212.20) [225 ILCS 10/2.20]).

d) Relatives and Babysitters

- 1) Care provided by relatives in his or her home or in the child's home. Relatives living in the same home as the child are eligible for payment with the exception of the child's mother or father or a person in the same assistance grant as the child.
- 2) Care provided by a non-relative in the child's home provided the non-relative is not in the same assistance grant as the child.
- e) The provisions of this Section are not applicable to families using the child care disregard (as provided at Section 112.366 pursuant to Section 112.143).

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

Section 112.356 Notification of Available Services

a) The Department will notify all applicants for and families receiving AFDC in writing and orally of programs and supportive services available to them for which they are eligible, and the rights, responsibilities and obligations of participants in the program.

b) The Department will respond to a request for child care within forty-five (45) days from the date the request is received by the Department in the local Public Aid Office.

(Source: Amended at 18 Ill. Reg. _____, effective March 31, 1994)

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1) Heading of the Part: Medical Assistance Programs2) Code Citation: 89 Ill. Adm. Code 1203) Section Numbers: Adopted Action:

120.324 Repeal; New Section
 120.325 Repeal; New Section
 120.326 New Section
 120.327 New Section

4) Statutory Authority: Section 4402 of OBRA 1990, State Medicaid Manual Section 3910 and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/Art. 12-13]

5) Effective Date of Amendments: April 1, 19946) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: April 1, 19949) Notice of Proposal Published in Illinois Register:

December 17, 1993 (17 Ill. Reg. 21266)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: As recommended by the Administrative Code Division, all Section source notes were updated to reflect the current volume year. In addition, in Section 120.324(c)(6) the phrase "Section 102.80" was replaced with the phrase "89 Ill. Adm. Code 102.80". No other substantive changes were made in the text of the amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.20	Amendment	December 31, 1993 (17 Ill. Reg. 22321)
120.30	Amendment	December 31, 1993 (17 Ill. Reg. 22321)
120.30	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

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Sections Proposed Action Illinois Register Citation

120.345	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	March 18, 1994 (18 Ill. Reg. 4063)
120.386	Amendment	March 18, 1994 (18 Ill. Reg. 4063)
120.388	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.389	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.390	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

15) Summary and Purpose of Amendments: These amendments establish the Health Insurance Premium Payment (HIPP) Program. This program provides health insurance coverage for recipients who have health insurance available and have high cost medical expenses. This rulemaking provides for the mandatory enrollment of eligible persons in available cost effective group or individual health plans as a condition of Medicaid eligibility. A group health plan is "any plan of, or contributed to by, an employer (including a self insured plan) to provide health care to the employer's employees, former employees, or families of such employees or former employees." An individual health plan is a contract for health insurance coverage between an individual and an insurance company.

Authorization for this program was established by Section 4402 of OBRA 1990 which added Section 1906 to the Social Security Act. As a result of these amendments, the Department will pay health insurance premiums for eligible medical assistance recipients whenever it is likely to be cost effective.

Program Standards

1. The HIPP program will be limited to medical assistance eligible recipients (excluding spenddown and long term care clients) who have high cost medical conditions such as, but not limited to:

- arthritis (severe)
- cancer
- heart ailment or defect
- liver disease or dysfunction
- kidney disease or dysfunction
- brain disease or disorder
- neurological disease or disorder
- diabetes
- AIDS
- organ transplant, and
- any other medical condition requiring high cost ongoing medical treatment.

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9. In order to be eligible for medical assistance, a client with a high cost medical condition who can enroll in a group or individual health plan must supply information about the health plan. The client must enroll (or re-enroll) if:

- a. the client can enroll on their own behalf,
- b. the plan covers the clients high cost medical condition, and
- c. the plan is determined by the Department to be cost effective.

10. A client that fails to enroll in a cost effective health plan is ineligible for medical assistance until the next enrollment period and proof of enrollment is provided.

11. The Department will make a determination of cost effectiveness on a case by case basis using prior medical history.

12. Cost effectiveness means the average cost of medical services for the period of time covered by the health insurance premium is greater than twice the premium cost for the period.

13. The Department will notify the client that enrollment is necessary because the plan is cost effective. The client will have the right to appeal this determination according to the rules in Section 102.80.

14. When the policy covers other family members only the client's share of the premium will be paid by HIPP unless retention of the policy is contingent upon paying premiums for other medical assistance eligible recipients.

15. Payment of premiums for a non-eligible family member may be made if necessary to enroll the HIPP participant. A non-eligible family member may reside in another household. Deductibles and co-insurance will not be paid for the non-eligible family members. Premiums will not be paid if the non-eligible family member is required to enroll dependent(s) through a divorce order or order for medical support.

16. Health insurance premiums may be paid directly to employers, unions or insurance companies.

17. Clients paying their own premiums will be reimbursed only if premium payments are made through payroll deduction or the client has already paid the premium. Reimbursement of premium will only be made after the client accumulates a minimum of \$50.00 in payments and submits proof of payment.

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11. HIPP will pay deductibles and co-payments based on the Department's medical payment standards.

12. Medical assistance payments will be made for items and services covered under the Medical Assistance Program which are not covered by the health plan.

13. Premium payments may be made prior to case approval or certification only when it appears likely that the case will be approved or certified and timely payment or enrollment is crucial to the retention of coverage.

14. Assignment of medical support rights provisions will apply to any health insurance premium for which the Department pays or reimburses the client. If the client receives a return of premium, for any reason, from the insurance carrier, the returned premium must immediately be turned over to the Department, or be subject to recovery.

15. Insurance payments for medical services shall be assigned to the medical provider at the time the services are requested. In the event a client receives an insurance payment for medical services which were also paid by the Department, the client must immediately turn the payment over to the Department or be subject to recovery.

These amendments also establish the Health Insurance Premium Payment (HIPP) Pilot Program. The pilot program will begin on January 1, 1994 and will operate for a minimum of three months. The pilot program will be conducted in Auburn Park, Peoria and Winnebago Local Office.

Due to the placement of the HIPP Program and HIPP Pilot Program rule, amendments at Section 120.324 on the Foster Care Program are being repealed and moved to New Section 120.326. In addition, amendments at Section 120.325 on Social Security Numbers are being repealed and moved to New Section 120.327.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

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120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard (Repealed)

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SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
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All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

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Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community - Integrated Living Arrangements

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SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
Qualified Medicare Beneficiary (QMB) Income Standard
Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

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Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

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Elimination Of Aid To The Medically Indigent
Client Cooperation (Repealed)
Citizenship (Repealed)
Residence (Repealed)
Age (Repealed)
Relationship (Repealed)
Living Arrangement (Repealed)
Supplemental Payments (Repealed)
Institutional Status (Repealed)
Foster Care Program (Repealed)
Social Security Numbers (Repealed)
Unearned Income (Repealed)
Exempt Unearned Income (Repealed)
Education Benefits (Repealed)
Unearned Income In-Kind (Repealed)
Earnmarked Income (Repealed)
Lump Sum Payments and Income Tax Refunds (Repealed)
Protected Income (Repealed)
Earned Income (Repealed)
Budgeting Earned Income (Repealed)
Exempt Earned Income (Repealed)
Recognized Employment Expenses (Repealed)

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120.271 Income From Work/Study/Training Program (Repealed)
120.272 Earned Income From Self-Employment (Repealed)
120.273 Earned Income From Roomer and Boarder (Repealed)
120.275 Earned Income In-Kind (Repealed)
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
120.280 Assets (Repealed)
120.281 Exempt Assets (Repealed)
120.282 Asset Disregards (Repealed)
120.283 Deferral of Consideration of Assets (Repealed)
120.284 Spend-down of Assets (AMI) (Repealed)
120.285 Property Transfers (Repealed)
120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
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120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
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120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Foster-Care-Program Health Insurance Premium Payment (HIPP) Program
120.325 Social-Security-Numbers Health Insurance Premium Payment (HIPP) Pilot Program
120.326 Foster Care Program
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120.350 Lump Sum Payments and Income Tax Refunds
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120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Assessment of Assets
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7 and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2

Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983;

amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17997; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 5966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective

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November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. —, effective April 1, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.324 Foster-Care-Program Health Insurance Premium Payment (HIPP) Programa) A-child-is-eligible-for-MANG(C)-when+

- 1) The-child-has-been-removed-from-the-home-of-a-specified-relative as-a-result-of-court-action,-is-a-child-for-whom-DCFS-is-legally responsible,-and-has-been-placed-in-foster-care-(foster-care home,-or-private-non-profit,-group-home-institution)-which-is licensed-of-approved-by-the-Department-of-Children-and-Family Services;-and
- 2) The-child-was-eligible-for-and-receiving-MANG(C)-in-or-for-the month-in-which-court-action-was-initiated-leading-to-placement; or
- 3) The-child-met-the-citizenship,-age,-residence,-need,-and-lack-of parental-support-of-care-criteria-for-MANG(C)-at-the-time-of initiation-of-court-action-and-lived-with-a-specified-relative-

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Section 120.324(a)(3) (continued)

at-any-time-within-the-six-(6)-months-prior-to-the-initiation-of court-action-leading-to-placement;-and

- 4) The-child-continues-to-meet-AFDC-eligibility-requirements-of age,-need,-lack-of-parental-support-of-care,-and registration/participation-requirements.
- b) An-application-for-AFDC-F-must-be-signed-by-an-authorized representative-of-the-Department-of-Children-and-Family-Services.
- e) Assistance-under-the-AFDC-F-program-is-effective-from-the-latter-of the-date+
 - 1) that-a-completed-application-is-received-by-the-Department;-or
 - 2) the-child-is-actually-placed-in-foster-care,
- a) A-foster-parent-who-is-a-specified-relative-of-an-eligible-foster child-placed-in-the-foster-parent's-care-may-receive-assistance-for the-child-under-either-the-AFDC-R/AFDC-U-or-the-AFDC-F-program.
- a) This program provides health insurance coverage for recipients who have health insurance available and have high cost medical expenses. Authorization for the Health Insurance Premium Payment Program (HIPP) was established by Section 4402 of OBRA 1990 which added Section 1906 to the Social Security Act.

b) Program Provisions

- 1) The HIPP Program shall provide for the mandatory enrollment of eligible persons in available cost effective group or individual health plans as a condition of medical assistance eligibility. A group health plan is "any plan of, or contributed to by, an employer (including a self insured plan) to provide health care to the employer's employees, former employees, or families of such employees or former employees." An individual health plan is a contract for health insurance coverage between an individual and an insurance company.
- 2) The Department shall pay health insurance premiums for eligible medical assistance recipients whenever it is likely to be cost effective.

c) Program Standards

- 1) The HIPP program shall be limited to persons otherwise eligible for medical assistance (excluding spenddown and long term care

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NOTICE OF ADOPTED AMENDMENTS

Section 120.324(c)(1) (continued)

clients) who have high cost medical conditions such as, but not limited to:

- A) Severe arthritis;
- B) Cancer;
- C) Heart ailment or defect;
- D) Liver disease or dysfunction;
- E) Kidney disease or dysfunction;
- F) Brain disease or disorder;
- G) Neurological disease or disorder;
- H) Diabetes;
- I) Acquired Immune Deficiency Syndrome (AIDS);
- J) Organ transplant; and
- K) Any other medical condition requiring high cost ongoing medical treatment.

2) To be eligible for medical assistance, a client with a high cost medical condition who can enroll in a group or individual health plan must supply information about the health plan. The client must enroll (or re-enroll) if:

- A) the client can enroll on his or her own behalf, and
- B) the plan covers the client's high cost medical condition, and
- C) the plan is determined by the Department to be cost effective.

3) A client that fails to enroll in a cost effective health plan, is ineligible for medical assistance until the next enrollment period and proof of enrollment is provided.

4) Determination of the cost effectiveness shall be made by the Department on a case by case basis using prior medical history.

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Section 120.324(c) (continued)

- 5) Cost effective means the average cost of medical services for the period of time covered by the health insurance premium is greater than twice the premium cost for the period.
- 6) The Department will notify the client that enrollment is necessary because the plan is cost effective. The client will have the right to appeal this determination according to the rules in 89 Ill. Adm. Code 102.80.
- 7) When the policy covers other family members only the client's share of the premium will be paid by HIPP unless retention of the policy is contingent upon paying premiums for other medical assistance eligible recipients.
- 8) Payment of premiums for a non-eligible family member may be made if necessary to enroll the HIPP participant. A non-eligible family member may reside in another household. Deductibles and co-insurance shall not be paid for the non-eligible family members. Premiums shall not be paid if the non-eligible family member is required to enroll dependent(s) through a divorce order or order for medical support.
- 9) Health insurance premiums may be paid directly to employers, unions or insurance companies.
- 10) Clients paying their own premiums shall be reimbursed only if premium payments are made through payroll deduction or the client has already paid the premium. Reimbursement of premium shall only be made after the client accumulates a minimum of \$50.00 in payments and submits proof of payment.
- 11) HIPP shall pay deductibles and co-payments based on the Department's medical payment standards.
- 12) Medical assistance payments shall be made for items and services covered under the Medical Assistance Program which are not covered by the health plan.
- 13) Premium payments may be made prior to case approval or certification only when it appears likely that the case will be approved or certified and timely payment or enrollment is crucial to the retention of coverage.
- 14) Assignment of medical support rights provisions shall apply to any health insurance premium for which the Department pays or reimburses the client. If the client receives a return of

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Section 120.324(c)(14) (continued)

premium, for any reason, from the insurance carrier, the returned premium must immediately be turned over to the Department, or be subject to recovery.

- 15) Insurance payments for medical services shall be assigned to the medical provider at the time the services are requested. In the event a client receives an insurance payment for medical services which were also paid by the Department, the client must immediately turn the payment over to the Department, or be subject to recovery.

(Source: Section repealed, new Section adopted at 18 Ill. Reg. _____, effective April 1, 1994)

Section 120.325 Social Security Numbers Health Insurance Premium Payment (HIPP) Pilot Program

- a) To be eligible for AABD or AFDC-MANG, each individual must furnish the Department his/her Social Security Number(s) (SSN). If more than one SSN has been assigned to any individual(s), all numbers are to be furnished.
- b) If a SSN cannot be furnished, either because it has not been issued or is not known, application shall be made for a SSN.
- c) Medical assistance will not be denied, delayed or discontinued pending the issuance or validation of a SSN if the individual, or someone acting responsibly for the individual, applies for the SSN.
- d) Individuals for whom a SSN is not furnished and for whom application for a SSN is not made are ineligible for medical assistance under the AABD or AFDC-MANG program.

- a) The pilot program will begin on January 1, 1994 and will operate for a minimum of three (3) months.

- b) The pilot program will be conducted in Auburn Park, Peoria and Winnebago Local Offices.

- c) The rules for the pilot program are in Section 120.324, Health Insurance Premium Payment Program.

(Source: Section repealed, new Section adopted at 18 Ill. Reg. _____, effective April 1, 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.326 Foster Care Program

- a) A child is eligible for MANG(C) when:

- 1) The child has been removed from the home of a specified relative as a result of court action, is a child for whom DCFS is legally responsible, and has been placed in foster care (foster care home, or private non-profit, group home institution) which is licensed or approved by the Department of Children and Family Services; and
- 2) The child was eligible for and receiving MANG(C) in or for the month in which court action was initiated leading to placement; or
- 3) The child met the citizenship, age, residence, need, and lack of parental support or care criteria for MANG(C) at the time of initiation of court action and lived with a specified relative at any time within the six (6) months prior to the initiation of court action leading to placement; and
- 4) The child continues to meet AFDC eligibility requirements of age, need, lack of parental support or care, and registration/participation requirements.

- b) An application for AFDC-F must be signed by an authorized representative of the Department of Children and Family Services.

- c) Assistance under the AFDC-F program is effective from the latter of the date:

- 1) that a completed application is received by the Department; or
- 2) the child is actually placed in foster care.

- d) A foster parent who is a specified relative of an eligible foster child placed in the foster parent's care may receive assistance for the child under either the AFDC-R/AFDC-U or the AFDC-F program.

(Source: Added at 18 Ill. Reg. _____, effective April 1, 1994)

Section 120.327 Social Security Numbers

- a) To be eligible for AABD or AFDC-MANG, each individual must furnish the Department his/her Social Security Number(s) (SSN). If more than one SSN has been assigned to any individual(s), all numbers are to be furnished.

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NOTICE OF ADOPTED AMENDMENTS

Section 120.327 (continued)

- b) If a SSN cannot be furnished, either because it has not been issued or is not known, application shall be made for a SSN.
- c) Medical assistance will not be denied, delayed or discontinued pending the issuance or validation of a SSN if the individual, or someone acting responsibly for the individual, applies for the SSN.
- d) Individuals for whom a SSN is not furnished and for whom application for a SSN is not made are ineligible for medical assistance under the AABD or AFDC MANG program.

(Source: Added at 18 Ill. Reg. _____, effective April 1, 1994)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
 - 140.3 Amendment
 - 140.643 Amendment
 - 140.645 AmendmentAdopted Action:
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/Art. 12-13]
- 5) Effective Date of Amendments: April 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1994
- 9) Notice of Proposal Published in Illinois Register:
October 29, 1993 (17 Ill. Reg. 18768)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: As recommended by the Administrative Code Division, the word "for" was inserted before the phrase "Disabled Persons" in the Table of Contents heading for Section 140.645. The main source note was updated to reflect the current volume year "18 Ill. Reg.". In Section 140.645(c), "subparagraphs" was changed to "subsections".
In addition, in Section 140.643 all references to "the University of Illinois Division of Specialized Care for Children" were deleted from the text. No other substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

DEPARTMENT OF PUBLIC AID

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14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.440	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.442	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.443	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.530	Amendment	March 18, 1994 (18 Ill. Reg. 4077)
140.865	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.870	Amendment	March 25, 1994 (18 Ill. Reg. 4597)

15) Summary and Purpose of Amendments: This rulemaking removes references to government approval to waive eligibility requirements for disabled persons under age 21 to receive in-home care services. The Department has a model waiver which permits approval of 200 children. In addition, this rulemaking adds home health care aides as a covered in-home care service. The approved waiver includes home health care aides as a covered service.

Pursuant to these amendments, the Department will operate a Model Waiver Program to provide medical and in-home care for disabled persons under age 21 to prevent unnecessary institutionalization. The Model Waiver Program will allow the Department to receive federal financial participation for payments for medical services including such in-home care services, environmental modifications, and respite care services as the Department and the person's physician(s) agree are necessary.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Medical Assistance Provided to Incarcerated Persons
140.10	

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims

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140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited

140.27 Assignment of Vendor Payments

140.28 Record Requirements for Medical Providers

140.30 Audits

140.31 Emergency Services Audits

140.32 Prohibition on Participation, and Special Permission for Participation

140.33 Publication of List of Terminated, Suspended or Barred Entities

140.35 False Reporting and Other Fraudulent Activities

140.40 Prior Approval for Medical Services or Items

140.41 Prior Approval in Cases of Emergency

140.42 Limitation on Prior Approval

140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained

140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments

140.72 Drug Manual (Recodified)

140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section

140.80 Hospital Provider Fund

140.82 Developmentally Disabled Care Provider Fund

140.84 Long Term Care Provider Fund

140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund

140.95 Hospital Services Trust Fund

140.96 General Requirements (Recodified)

140.97 Special Requirements (Recodified)

140.98 Covered Hospital Services (Recodified)

140.99 Hospital Services Not Covered (Recodified)

140.100 Limitation On Hospital Services (Recodified)

140.101 Transplants (Recodified)

140.102 Heart Transplants (Recodified)

140.103 Liver Transplants (Recodified)

140.104 Bone Marrow Transplants (Recodified)

140.110 Disproportionate Share Hospital Adjustments (Recodified)

140.116 Payment for Inpatient Services for GA (Recodified)

140.117 Hospital Outpatient and Clinic Services (Recodified)

140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

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140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

140.203 Limits on Length of Stay by Diagnosis (Recodified)

140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners, Nurses and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

140.417 Limitations on Optometric Services

140.418 Department of Corrections Laboratory

140.420 Dental Services

140.421 Limitations on Dental Services

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140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy
140.425	Items - Dentists
140.426	Podiatry Services
140.427	Limitations on Podiatry Services
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7 and 5/12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8

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Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11

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Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207; amended at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days;

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emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at

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16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 17, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective June 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. _____, effective April 1, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: GENERAL PROVISIONS

Section 140.3

Covered Services Under The the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)

The following medical services shall be covered for recipients of financial assistance under the Department's AABD (Aid to the Aged, Blind or Disabled), AFDC (Aid to Families with Dependent Children), or Refugee/Entrant/Repatriate programs; recipients of medical assistance only under the AABD program (AABD-MANG) and recipients of medical assistance only under the AFDC program (AFDC-MANG):

- a) Inpatient hospital services;
- b) Hospital outpatient and clinic services;
- c) Hospital emergency room visits;**
- d) Encounter rate clinic visits;
- e) Physician services;

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Section 140.3 (continued)

- f) Pharmacy services;
- g) Home health agency visits;
- h) Laboratory/x-ray services;
- i) Group care services;
- j) Family planning services and supplies;
- k) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- l) Transportation to secure medical services;
- m) Medichex (EPSDT) services;
- n) Dental services;
- o) Chiropractic services;
- p) Podiatric services;
- q) Optical services/supplies;
- r) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 - 140.396; and
- s) Hospice.

****AGENCY NOTE:** The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.

(Source: Amended at 18 Ill. Reg. _____, effective April 1, 1994)

SUBPART E: GROUP CARE

Section 140.643 In-Home Care Program

The State of Illinois shall operate an In-Home Care Program designed to promote proper utilization of long term care services and prevent unnecessary institutionalization. The programs will be operated by the Departments on Aging (clients 60 and older), Rehabilitation Services (physically disabled)

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and Mental Health and Developmental Disabilities (developmentally disabled). The Department of Public Aid, as the single state agency under Medicaid, is responsible for claiming Federal Financial Participation and is the State of Illinois' contact with the Federal government in relation to the In-Home Care Program. Specific eligibility criteria and all other relevant factors of the In-Home Care Program are contained in the Rules of the operating agencies - the Department on Aging (89 Ill. Adm. Code Section 04-60.000 et seq.), the Department of Rehabilitation Services (89 Ill. Adm. Code, Chapter IV, Subchapter d) and the Department of Mental Health and Developmental Disabilities (proposed 59 Ill. Adm. Code 120).

(Source: Amended at 18 Ill. Reg. _____, effective April 1, 1994)

Section 140.645 Medical and In-Home Care ~~Fee~~ for Disabled Persons Under Age 21 (Model Waiver)

- a) The Department shall operate a Model Waiver Program to provide medical and in-home care for disabled persons under age 21 to prevent unnecessary institutionalization. The Model Waiver Program, pursuant to Section 1915(c) of the Social Security Act, allows the Department to receive federal financial participation for payments for medical services (including such in-home care services, environmental modifications, and respite care services as the Department and the person's physician(s) agree are necessary).

- b) Initial and continuing eligibility for ~~this program~~ the Model Waiver is dependent upon all of the following criteria being satisfied:

- 1) the client who is 20 years or younger qualifies as disabled as defined under the Federal Supplemental Security Income Program (20 CFR 416, Subpart I);
- 2) a physician (licensed to practice medicine in all its branches) has determined that the client requires a level of care provided by a hospital or long term care facility and has determined that such level of care can be provided outside of an institution;
- 3) the estimated cost to the State of care outside of an institution for the client is not greater than the estimated cost to the State of care for the client in an institution;
- 4) the client would be eligible for Medicaid if the person's responsible relatives' income and resources were excluded from consideration. ~~†-and~~

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NOTICE OF ADOPTED AMENDMENTS

Section 140.045(b) (continued)

- 5) the Department has received from the United States Department of Health and Human Services (HHS) a waiver of such eligibility criteria as will allow the Department to receive federal financial participation for payments for medical services (including such in-home care services, environmental modifications, and respite care services as the Department and the client's physician agree are necessary) for the client.

b) c) In respect to each client who as is determined by the Department to meet the criteria listed in subparagraphs subsections (1), (2), (3), and (4) above, the Department shall submit a request to HHS that waive eligibility criteria for receipt of federally funded assistance be waived pursuant to Sec. 1915(c) of the Social Security Act. Upon receipt of such waiver for the client (or if group waivers for clients have already been received from HHS and additional waivers are then not needed), the requirements of subparagraph 5 shall be satisfied.

e) d) Medical coverage for a client shall be of the same extent of coverage as that provided to persons receiving medical assistance under Section 140.3. The client can also receive the following in-home care services: such as home health care aides; case management services; respite care services; environmental modification services; private duty nursing services; and special medical supplies, equipment, and appliances.

(Source: Amended at 18 Ill. Reg. _____, effective April 1, 1994)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part:
Family Planning Services Code

- 2) Code Citation:
77 Ill. Adm. Code 635

- 3) Section Numbers:
635.90
Adopted Action:
Amendment

- 4) Statutory Authority:

Implementing and authorized by Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

- 5) Effective Date of Rulemaking:

April 1, 1994

- 6) Does this Rulemaking Contain an Automatic Repeal Date?

No

- 7) Does this Rulemaking Contain any Incorporation by Reference?

No

- 8) Date Filed in Agency's Principal Office:

April 1, 1994

- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

(17 Ill. Reg. 19882 - November 19, 1993)

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

DEPARTMENT OF PUBLIC HEALTH
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Date Statement of Objection was Published in the Illinois Register:

11) Difference Between Proposal and Final Version:

Various grammatical and editorial changes requested by the Joint Committee on Administrative Rules and the Administrative Code Division have been made.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed between the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

Section Numbers

Proposed Action

Ill. Reg. Citation

15) Summary and Purpose of Rulemaking:

This rulemaking allows family planning agencies to schedule less frequent follow-up appointments for oral contraceptive users who are not defined as high risk than for those users who are in the high risk category. Currently, this Part requires all women who are prescribed oral contraceptives at delegate agencies to have their blood pressure, with interim history, taken after the initial three months of use, after the second three months of use, again after six months of use, and every six months thereafter, alternating with annual examinations. By comparison, the Federal Title X Program Guidelines are less stringent for routine contraceptive management, requiring for women not at high risk only an examination, including blood pressure and weight, after initial three months of use and an annual history and examination thereafter. The rulemaking specifies high risk factors for contraceptive use, including age, weight, blood pressure, liver disease, or personal habits. In addition, the rulemaking adds as a service of delegate agencies an incision check for Norplant users, approximately two weeks after insertion.

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 635
FAMILY PLANNING SERVICES CODE

Section	
635.10	Legislative Base
635.20	Administration
635.30	Definitions
635.35	Incorporated Materials
635.40	Standards and Policies for Personnel of Delegate Agencies
635.50	Standards for Facilities of Delegate Agencies
635.60	Financial Management System and Audits of Delegate Agencies
635.70	Charges and Billing Procedures of Delegate Agencies
635.80	Written Policies, Protocols and Procedures of Delegate Agencies
635.90	Required Services
635.100	Referrals and Follow-Up
635.110	Quality Assurance
635.120	Clinic Schedule
635.130	Clinic Management
635.140	Community Education, Information and Education Advisory Committee
635.150	Family Participation Plan
635.160	Applications
635.170	Reporting Requirements
635.180	Termination
635.190	Review Under Administrative Review Law
635.Appendix A	Illinois Family Planning Clinic Visit Record
635.Appendix B	A Guide to Cost Analysis Developing Cost Based Fees and Sliding Fee Scale
635.Appendix C	Family Planning Services Application Packet
635.Appendix D	Instruction Manual for the BCHS Common Reporting Requirements

AUTHORITY: Implementing and authorized by Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

SOURCE: Emergency rule adopted and codified at 7 Ill. Reg. 8364, effective July 6, 1983, for a maximum of 150 days; emergency expired December 3, 1983; adopted at 7 Ill. Reg. 16955, effective December 9, 1983; amended at 14 Ill. Reg. 20783, effective January 1, 1991; amended at 18 Ill. Reg. _____, effective April 1, 1994.

Section 635.90 Required Services

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Delegate agencies are required to deliver the following services and components either directly on-site or by referral. Minimum requirements for routine contraceptive management which shall be met are included in "Program Guidelines for Project Grants for Family Planning Services" published by the U.S. Department of Health and Human Services (42 CFR 59.5). Abortions shall not be provided by delegate agencies as a method of birth control.

a) Client education

- 1) Male and female anatomy and physiology
 - 2) Conception - the importance of prenatal care, and risks associated with childbearing at the extremes of the reproductive age span, i.e., less than 17 years of age and over 34 years of age
 - 3) Contraception - including action, effectiveness, use benefits, risks and side effects
 - A) Male and female sterilization
 - B) Oral contraceptives
 - C) IUDs
 - D) Contraceptive sponge
 - E) Foam, condoms and vaginal contraceptive film
 - F) Diaphragm and cream/jelly (cervical cap if available)
 - G) Natural family planning (NFP) (ovulation/sympto-thermal)
 - H) Withdrawal
 - I) Post-coital contraception i.e., Diethylstilbestrol (DES)
 - J) Abstinence
 - 4) Human immune deficiency virus/AIDS education
- b) Counseling
- 1) Method selection
 - 2) Compliance with treatment

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- A) Method used
- B) Return appointments
- C) Follow through with referrals

3) Special Counseling

- A) Nutrition problems
- B) Sexual/social problems
- C) Pregnancy options
- D) Genetics
- E) Sterilization

c) Examination

1) History

A) Initial history

- i) Menstrual history including age of menarche, when periods became regular, date of last normal menstrual period, abnormal periods or intermenstrual bleeding
- ii) Past medical/surgical history including allergies, sexually transmitted diseases (STD), immunizations (especially rubella status), medications, review of systems
- iii) Pertinent history of biological parents and immediate family, including heart disease, strokes before age 50, high blood cholesterol or fats, kidney disease, diabetes, high blood pressure, cancer, genetic problems
- iv) Reproductive history, number of pregnancies, outcome, complications and weight of infant at birth
- v) Social history including sexual activity, age at first intercourse, frequency of intercourse, number of partners, and drug/tobacco use/abuse

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- vi) Contraceptive history, including methods used, length of use, major side effects and complications
- vii) In utero exposure to diethylstilbestrol (DES)

B) Interim history

- i) Interim medical/surgical history
- ii) Assessment of any side effects effects of contraceptive, specific to method used
- iii) Menstrual history

2) Physical Exam

A) Initial exam and annual exam

- i) Height and weight
- ii) Blood Pressure
- iii) Thyroid
- iv) Heart
- v) Lungs
- vi) Abdomen
- vii) Extremities

viii) Breast with instruction in self-breast exam

- ix) Pelvic exam, including external genitalia; speculum exam, including vagina, visualization of cervix; bi-manual exam, including uterus, adnexa; and rectal exam as needed

B) Special return visits

- i) Intrauterine device (IUD) - abdominal palpation, bi-manual exam and speculum exam for visualization of IUD string (two to six weeks after insertion)

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- ii) Pill (for women at high risk) - Blood pressure with interim history after initial three months of use, after second three months of use, again after six months of use (3-3-7) and then every six months thereafter alternating with annual exams (6-7), for women at high risk because of factors including, but not limited to, age, weight, blood pressure, liver disease, and/or personal habits
- iii) Pill (for women not at high risk) - Blood pressure with interim history after initial three months of use, then annual history and examination (including weight, blood pressure, and hematocrit and/or hemoglobin)
- iii iv) Diaphragm/cervical cap - recheck fit (approximately two weeks after initial fitting)
- iv v) Problem visit - review of related system(s), appropriate laboratory tests
- vi) Norplant - incision check (approximately two weeks after insertion)
- v vii) Gonorrhea culture as indicated (previous history of Pelvic Inflammatory Disease (PID), previous history of Gonorrhea Culturing (GC), potential exposure, symptoms, multiple partners)
- 3) Laboratory tests
- A) Initial visit
- i) Hemoglobin or hematocrit
 - ii) Pap smear
 - iii) Gonorrhea culture for clients requesting IUD insertion, for those with high potential for exposure, or on request
 - iv) Urinalysis for protein and glucose
- B) Annual visits
- i) Hemoglobin or hematocrit

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- ii) Pap smear
 - iii) Gonorrhea culture for clients with previous history of pelvic inflammatory disease (PID), previous history of gonorrhea, multiple partners, new partner(s), on client request and clients requesting IUD insertion
- C) Special tests as indicated
- i) Pregnancy test
 - ii) Wet smear
 - iii) Urine culture and sensitivities
 - iv) Blood sugars
 - v) T₃, T₄, TSH (thyroid hormones)
 - vi) White blood count (WBC) and differential
 - vii) Rubella titer if not known
 - viii) Sickle cell screen if indicated and not known
 - ix) Herpes titer/culture
 - x) Blood group and Rh type
 - xi) VDRL/RPR/serology (test for syphilis)
 - xii) Liver studies
 - xiii) Chlamydia test
- d) Infertility services
- 1) Initial infertility history
 - 2) Education
 - 3) Physical exam (same as initial visit)
 - 4) Laboratory tests (same as initial visit)

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- 5) Counseling
- 6) Referral as indicated
- e) Pregnancy Services
 - 1) Pregnancy testing
 - 2) History and physical exam for confirmation
 - 3) Nondirective counseling on all options if test is positive, and referral as requested
 - 4) Family planning information if test is negative
- f) Adolescent Services
 - 1) Counseling in all methods
 - 2) History and physical exam as indicated including laboratory tests
 - 3) Parental involvement via agency plan for family participation and as required by applicable Federal and State Regulations and administrative rules promulgated pursuant thereto
- g) STD Services
 - 1) Laboratory screenings
 - 2) Reporting of positive cases to the State STD Program or its designated agent as required by state or local ordinance
 - 3) Education, counseling, treatment and follow-up of infected individuals
 - 4) Follow-up of contacts for testing/treatment
- h) Identification and follow-up of Diethylstilbestrol (DES) exposed clients
 - 1) DES history for clients born between 1940 and 1970
 - 2) Counseling of exposed individuals regarding potential risks/problems
 - 3) Colposcopy or referral for exposed females

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(Source: Amended at 18 Ill. Reg. _____, effective April 1, 1994)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part:

Rules of Practice and Procedure in Administrative Hearings

2) Code Citation:

77 Ill. Adm. Code 100

3) Section Numbers:

Adopted Action:

100.1 Amendment
100.2 Amendment
100.3 Amendment
100.4 Amendment
100.5 Repealer, New Section
100.6 Repealer, New Section
100.7 Amendment
100.8 Repealer, New Section
100.9 Repealer, New Section
100.10 Repealer, New Section
100.11 Repealer, New Section
100.12 Repealer, New Section
100.13 Repealer, New Section
100.14 Repealer, New Section
100.15 Repealer, New Section
100.16 Repealer, New Section
100.17 Repealer, New Section
100.18 New Section
100.19 New Section

4) Statutory Authority:

Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(a)(i)) [5 ILCS 100/5-10(a)(i)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55 et seq.) [20 ILCS 2310].

5) Effective Date of Rulemaking:

April 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date?

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No

7) Does this Rulemaking Contain any Incorporation by Reference?

No

8) Date Filed in Agency's Principal Office:

April 1, 1994

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

(17 Ill. Reg. 12153 - July 30, 1993)

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:

No

If Yes, Date Agency Response Submitted for Approval to JCAR:

Date Statement of Objection was Published in the Illinois Register:

Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

In Section 100.1, a new subsection (e) has been added as follows:

This Part shall not govern contested cases conducted pursuant to 77 Ill. Adm. Code 430 (Rules of Practice and Procedure in Administrative Hearings Held Pursuant to Sections 2-110(d) and 3-410 of the Nursing Home Care Reform Act of 1979) and 77 Ill. Adm. Code 1180 (Practice and Procedure in Administrative Hearings)(Health Facilities Planning Board).

Section 100.4 has been modified to allow individual parties to choose to have representatives who are not attorneys. The added language also specifies that non-attorney representatives of parties shall be held to the same standards as attorneys.

Section 100.6(b) has been modified to read as follows;

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Dissatisfied Complainants pursuant to this Section shall have the opportunity to contest the adequacy of the Department's investigation and its determination as to whether the complaint was valid, invalid, or undetermined and also the Department's determination as to whether or not to issue any violation as a result of said determination. Whenever "determination" is used in this Section, it shall include any investigation resulting in said determination.

Section 100.6(f) has been revised to read as follows:

For the purposes of this Section, a Complainant is an individual who has filed a complaint pursuant to the NHCA. If the individual filing the complaint indicates that she or he is acting as the agent of an organization or another individual, and so requests, said organization or other individual will be the Complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or other individual will be a "referring agent". Unless objected to by the Complainant, the referring agent shall be entitled to receive Notice of Complaint Determination and any request for hearing made pursuant to this Part.

Section 100.7 has been modified to clarify that this Section does not apply to complainant's hearings.

Section 100.9(d) has been modified to require pleadings, written motions, and notices to contain the telephone number of the attorney or other representative of the party filing the paper.

Section 100.10(a) has been modified to clarify that complainants under the Nursing Home Care Act are entitled to services of notices where applicable.

Section 100.14(a) has been revised to specify that all parties, instead of only respondents as proposed, will be provided with a copy of the Department's inspection or investigative report.

In Section 14(d), "if one was requested" has been added after "witness list", because a witness list may not always be requested.

Section 100.14(e) was modified to entitle all parties, instead of only respondents as proposed, to exculpatory evidence in the Department's possession which tends to support the respondents position or which might impeach the credibility of a Department witness.

In addition, various technical, editorial and grammatical changes were made in response to suggestions of the Joint Committee on Administrative Rules and the Administrative Code Division.

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12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed between the Department and the Joint Committee on Administrative Rules have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect?

No

14) Are there any other Amendments Pending on this Part?

No

Section Numbers

Proposed Action

Ill. Reg. Citation

15) Summary and Purpose of Rulemaking:

This rulemaking reflects revisions to the Illinois Administrative Procedure Act concerning hearings. Such changes include the addition of the term "administrative law judge" meaning an attorney licensed to practice law in Illinois and appointed by the Director of Public Health to preside at an administrative hearing. The rulemaking clarifies that a party in hearings must be represented by an attorney, sets forth procedures for hearings requested by complainants under the Nursing Home Care Act, and clarifies procedures for service of various notices concerning hearings under this Part. The rules specifies the manner in which prehearing conferences and hearings will be conducted, provides requirements relating to motions and subpoenas, specifies the scope of discovery, and states requirements regarding records of all proceedings under this Part.

16) Information and Questions Regarding this Adopted Rulemaking Shall be Directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page.

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER a: GENERAL RULES

PART 100

RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

Section

- 100.1 Authority - Applicability of these Rules
- 100.2 Definitions
- 100.3 Parties to Hearings
- 100.4 Appearance - Right to Counsel
- 100.5 Emergency Action Commencement of an Action
- 100.6 Hearings Requested by Complainants Intervention
- 100.7 Initiation of a Contested Case Pleadings
- 100.8 Motions Form of Papers
- 100.9 Form of Papers Service
- 100.10 Service Pre-Hearing Conferences
- 100.11 Prehearing Conferences Conduct of Hearings
- 100.12 Hearings Subpoenas
- 100.13 Subpoenas Discovery and Depositions
- 100.14 Scope of Discovery Hearing-Officer's Report and Final Decision
- 100.15 Administrative Law Judge's Report and Recommendations Proposal for Decision
- 100.16 Proposal for Decision Records of Proceedings
- 100.17 Final Orders Miscellaneous
- 100.18 Records of Proceedings
- 100.19 Miscellaneous

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(a)(i)) [5 ILCS 100/5-10(a)(i)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55 et seq.) [20 ILCS 2310].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 18 Ill. Reg. _____, effective APR 01 1994.

Note: Capitalization denotes statutory language.

Section 100.1: Authority - Applicability of these Rules

- a) ~~These rules~~ This Part of practice and procedure for administrative hearings are is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act

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(IAPA); (Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(a)(i)) [5 ILCS 100/5-10(a)(i)].

- b) ~~These rules~~ This Part shall govern all contested cases in formal administrative hearings for the Department of Public Health, State of Illinois, except as noted in subsections (d) and (e) of this Section. Where a licensing statute prescribes certain procedures or requirements for licensure hearings, those procedures or requirements will be followed as though they were set forth in these rules. For purposes of these rules, all contested cases and licensing actions which are required by law to be preceded by notice and an opportunity for hearing shall be governed by these rules. Any hearing held in a contested case or in a licensing action shall be deemed to be a formal administrative hearing.
- c) ~~These rules~~ This Part shall also apply to contested cases resulting from all hearings conducted by the Department as part of the Department's administration of any program on behalf of the United States' government. In the event there is a conflict between federal regulations and these rules, federal regulations shall prevail.
- d) ~~These rules~~ This Part shall not govern the various informal administrative procedures established by the Department to resolve licensing issues or conflicts prior to initiating any action requiring a formal hearing.
- e) This Part shall not govern contested cases conducted pursuant to 77 Ill. Adm. Code 430 (Rules of Practice and Procedure in Administrative Hearings Held Pursuant to Sections 2-110(d) and 3-410 of the Nursing Home Care Reform Act of 1979) and 77 Ill. Adm. Code 1180 (Practice and Procedure in Administrative Hearings)(Health Facilities Planning Board).

(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

Section 100.2: Definitions

"Administrative Law Judge" shall mean any attorney licensed to practice law in Illinois, appointed by the Director to preside at an administrative hearing.

"Contested case" shall have the meaning ascribed to it in Section 3-02 1-30 of the IAPA.

"Department" shall mean the Department of Public Health, State of Illinois.

"Director" shall mean the Director or the designee of the Director of the Department of Public Health, State of Illinois.

"Hearing Officer" shall mean ~~the person appointed by the Director to preside at the formal administrative hearing~~ administrative law judge.

"IAPA" shall mean The Illinois Administrative Procedure Act; (Ill. Rev. Stat. 1991, ch.

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127, pars. 1001-1 et seq.) (5 ILCS 100).

"License" shall have the meaning ascribed to it in Section 3-04 1-35 of the IAPA.

"Licensing" shall have the meaning ascribed to it in Section 3-05 1-40 of the IAPA.

"NHCA" shall mean the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) (210 ILCS 45)

"Medical Determinations Board" shall have the meaning ascribed to it in Section 6-06a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1985, ch. 127, at 6-06a).

"Person" shall have the meaning ascribed to it in Section 3-07 1-50 of the IAPA.

(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

Section 100.3: Parties to Hearings

a) The parties to an administrative hearings before the Department are the Department, the Complainants and the Respondents, and the Complainant, pursuant to the Nursing Home Care Act.

b) A Complainant is a person who initiates a hearing.

be) A Respondent is a person against whom a complaint or petition is filed or to whom a notice of an opportunity for hearing is directed.

cd) This Section does not apply to those administrative hearings conducted pursuant to Section 100.6 of this Part.

de) If a Respondent requests a hearing pursuant to the NHCA, the Complainant pursuant to Sec. 3-702(g) of that Act may participate as a party.

(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

Section 100.4 : Appearance - Right to Counsel

a) Any party to a the proceeding may appear and be represented heard by an attorney at law authorized to practice law in the State of Illinois. Any individual party may waive this right and either represent himself or herself or be represented by someone else of his or her choosing, which representative may or may not be an attorney authorized to practice law in the State of Illinois. A natural person may appear and be heard on his or her own behalf. A corporation, partnership or association shall appear and be heard represented only by be an attorney authorized to practice law in the State of Illinois.

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Proceedings for the purposes of this Section shall begin with the filing of the Answer pursuant to Section 100.7(d). A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association unless that individual is authorized to practice law in the State of Illinois. All persons appearing in proceedings before the Department shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the Department may decline to permit such person to appear in any proceedings.

b) Only persons admitted by the Supreme Court of this State to practice as attorneys and counselors at law shall represent parties in proceedings before this Department, except where an individual party chooses otherwise. All persons appearing in proceedings before the Department shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the administrative law judge may decline to permit such person to appear in any proceeding. Whenever a party is being represented by a non-attorney representative, said representative will be held to the same standards as though he or she were an attorney. Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceedings. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.

c) Any attorney or other person appearing before the Department as a representative of any party shall file an Appearance containing: the name of the party represented; the name, address and telephone number of the attorney or representative; an affirmative statement that the attorney is or is not duly licensed in the State of Illinois; and, the written signature of the attorney or representative. Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance. An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, attorneys may be substituted without motion upon notice to all parties and the Hearing Officer if the substitution will not delay the proceedings and a statement to that effect is contained in the notice.

d) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance. An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, attorneys may be substituted without motion upon notice to all parties and the Hearing Officer if the substitution will not delay the proceedings and a statement to that effect is contained in the notice.

e) An attorney may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings, a statement to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the Notice.

(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

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Section 100.5. ~~Emergency Action Commencement of an Action~~

IF THE DIRECTOR FINDS THAT THE PUBLIC INTEREST, SAFETY OR WELFARE IMPERATIVELY REQUIRES EMERGENCY ACTION, AND IF THE DIRECTOR INCORPORATES A FINDING TO THAT EFFECT IN AN ORDER, SUMMARY SUSPENSION OF A LICENSE OR AUTHORIZATION TO CONDUCT A PARTICULAR ACTIVITY MAY BE ORDERED. PENDING PROCEEDINGS FOR REVOCATION, TERMINATION OR OTHER ACTIONS, WHICH PROCEEDINGS SHALL BE PROMPTLY INSTITUTED AND DETERMINED. ~~Administrative actions under these rules shall be commenced by the Director signing a Notice as set forth in paragraph a of Section 100.7 of this Title. (Section 10-65 of the IAPA).~~

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____
APR 01 1994.)

Section 100.6. ~~Hearings Requested by Complainants Intervention~~

Pursuant to Section 3-702(g) of the NHCA, A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT OF HIS OR HER COMPLAINT MAY REQUEST A HEARING. (Section 3-702(g) of the NHCA)

- a) The parties to administrative hearings pursuant to this Section are the Department, the Complainant, and the Facility.
- b) Dissatisfied Complainants pursuant to this Section shall have the opportunity to contest the adequacy of the Department's investigation and its determination as to whether the complaint was valid, invalid, or undetermined and also the Department's determination as to whether or not to issue any violation as a result of said determination. Whenever "determination" is used in this Section, it shall include any investigation resulting in said determination.
- c) Dissatisfied Complainants pursuant to this Section do not have the opportunity to contest any other determinations or decisions of the Department.
- d) Nothing contained herein shall be deemed to entitle a dissatisfied Complainant to additional hearings or to a rehearing of a case which has already been the subject of a formal administrative hearing or a Final Order.
- e) In accordance with Sections 3-703 through 3-712 of the NHCA, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied Complainants. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN SUCH HEARING AS A PARTY. (Section 3-702(g) of the NHCA).
- f) For the purposes of this Section, a Complainant is an individual who has filed a complaint pursuant to the NHCA. If the individual filing the complaint indicates that she

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or he is acting as the agent of an organization or another individual, and so requests, said organization or other individual will be the Complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or other individual will be a "referring agent". Unless objected to by the Complainant, the referring agent shall be entitled to receive Notice of Complaint Determination and any request for hearing made pursuant to this Part.

- g) Complainants pursuant to this Section shall carry the burden to prove, by a preponderance of the evidence, that the aforesaid determinations of the Department were improper.
- h) At the conclusion of the hearing, the administrative law judge shall prepare a report in accordance with Section 100.15, and make a recommendation to the Director specifying whether the complaint should be reinvestigated and/or any invalid or undetermined finding should be changed to a valid finding or the Department should reconsider the failure to cite a facility with any violation.
- a) Upon timely application any person may in the discretion of the Hearing Officer be permitted to intervene in a proceeding before the department:
 - (1) when the petitioner can show an interest in the proceeding which may not be adequately represented by the parties to the proceedings; or
 - (2) when the petitioner may be affected by the Department's final administrative decision; or
 - (3) when the petitioner is another agency of the State of Illinois which has a interest in the matter which is before the Department.
- b) A person desiring to intervene shall present a Petition for Intervention accompanied by any pleadings or motions he proposes to file.
- c) In determining whether to allow intervention, the Hearing Officer may consider the following: whether the intervention will unduly delay the hearing, prejudice the rights of the Respondent, be unduly burdensome to any party, enlarge the scope of the proceedings, insert new issues into the proceedings, or whether there are other remedies available to the petitioners, or whether there are any other factors which may bear upon the rights of any party. (filed: September 13, 1978 effective -- September 23, 1978)
- d) The intervenor shall have the right to present evidence and cross-examine witnesses only with respect to those issues which are within the scope of his intervention. The intervenor shall not object to the introduction of any evidence. An intervenor may only conduct discovery upon motion and showing that the desired discovery is for good cause and will not impose delay or be burdensome to the proceeding.

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(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____
APR 01 1994)

Section 100.7: Initiation of a Contested Case Pleadings

a) In contested cases, except those held pursuant to Section 100.6, the Department shall serve on the Respondent a Notice of Opportunity for an Administrative Hearing which shall contain: ~~NOTICE. IN ALL ACTIONS UNDER THESE RULES, THE DEPARTMENT SHALL SERVE ON ALL PARTIES TO A CONTESTED CASE A NOTICE OF AN ADMINISTRATIVE HEARING OR A NOTICE OF AN OPPORTUNITY FOR AN ADMINISTRATIVE HEARING. The Notice shall be signed by the Director.~~

1) ~~THE NOTICE OF AN ADMINISTRATIVE HEARING SHALL CONTAIN;~~

A) ~~1) A STATEMENT OF THE NATURE OF THE action HEARING;~~

B) ~~A STATEMENT OF THE TIME AND PLACE OF THE HEARING OR IF A PREHEARING CONFERENCE IS SCHEDULED BY THE DEPARTMENT, THE TIME AND PLACE OF THE CONFERENCE;~~

C) ~~2) A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE action IS BEING INITIATED HEARING IS TO BE HELD;~~

D) ~~3) A REFERENCE TO THE PARTICULAR SECTIONS OF THE STATUTES AND RULES INVOLVED; AND;~~

E) ~~4) UNLESS ACCOMPANIED BY allegations of noncompliance, ~~1) A SHORT AND PLAIN STATEMENT OF THE MATTERS ASSERTED;~~~~

5) ~~a statement of the procedure for requesting an administrative hearing (Section 10-25 of the IAPA), including a date by which the request must be received by the Department, which must be set at least ten days after the Notice is mailed or personally served;~~

6) ~~A statement setting forth the requirement of an Answer, pursuant to subsection (d) of this Section; and~~

7) ~~EXCEPT WHERE A MORE DETAILED STATEMENT IS OTHERWISE PROVIDED FOR BY LAW, A SHORT AND PLAIN STATEMENT OF THE MATTERS ASSERTED, THE CONSEQUENCES OF A FAILURE TO RESPOND, AND THE OFFICIAL FILE OR REFERENCE NUMBER. (Section 10-25 of the~~

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2) ~~THE NOTICE OF AN OPPORTUNITY FOR AN ADMINISTRATIVE HEARING SHALL CONTAIN:~~

A) ~~A STATEMENT OF THE NATURE OF THE HEARING;~~

B) ~~A statement of the date and place at which a request for a Hearing (see Rule 7.02) from the person given the opportunity for a hearing is to be received by the Department. The date set for receipt of the Request for a Hearing shall be at least 10 days from the Notice is mailed or personally served.~~

C) ~~A STATEMENT AS TO THE TIME AND PLACE THAT THE HEARING CONFERENCE WILL BE HELD IF A TIMELY REQUEST FOR HEARING IS RECEIVED BY THE DEPARTMENT;~~

D) ~~A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE HEARING IS TO BE HELD;~~

E) ~~A REFERENCE TO THE PARTICULAR SECTIONS OF THE STATUTE AND RULES INVOLVED, AND;~~

F) ~~UNLESS ACCOMPANIED BY ALLEGATIONS OF NONCOMPLIANCE, A SHORT AND PLAIN STATEMENT OF THE MATTERS ASSERTED.~~

b) ~~Request for a Hearing: A person who receives a Notice of an Opportunity for an Administrative Hearing must submit a written request for a the hearing to the Department. The request is to be sent to the Department at the address stated in the Notice and must be received by the date set forth in the Notice. Failure to comply with this Section rule shall constitute a waiver of the person's right to an administrative hearing.~~

c) ~~Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Prehearing Conference. THE NOTICE OF HEARING OR PREHEARING CONFERENCE SHALL CONTAIN: Allegations of Noncompliance. The Department may file a statement, entitled Allegations of Noncompliance, setting forth facts which constitute alleged violations of a statute or Department rules and which are the basis of the Department's action~~

1) ~~A STATEMENT OF THE NATURE OF THE HEARING;~~

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2) A STATEMENT OF THE TIME AND PLACE THAT THE HEARING OR Prehearing Conference will be held;

3) A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE HEARING IS TO BE HELD;

4) THE NAMES AND MAILING ADDRESSES OF THE ADMINISTRATIVE LAW JUDGE, ALL PARTIES, AND ALL OTHER PERSONS TO WHOM THE AGENCY GIVES NOTICE OF THE HEARING, UNLESS OTHERWISE CONFIDENTIAL BY LAW; and

5) a statement setting forth the requirement of an Answer pursuant to subsection (d) of this Section. (Section 10-25 of the IAPA)

d) Answers: A Written Answer to the Allegations of Noncompliance or to the Department's statement of the matters asserted in the proceeding may shall be filed by a Respondent. An Answer if filed must be served on all parties within 20 days after receipt of the notice alleging noncompliance at least 48 hours prior to the date of hearing. If a Respondent fails to file an Answer, each alleged violation of a statute or Department rule by the Respondent shall be deemed to have been admitted denied. If the Respondent has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the Respondent may so state with an affidavit of insufficient knowledge. If the Respondent wishes to raise defenses which are affirmative in nature or might take the Department by surprise, the Respondent must do so in the Answer.

e) Amendments to the Allegations of Noncompliance and Answers may be allowed upon proper motion at any time during the pendency of the proceedings on such terms as shall be just and reasonable. Petition for Intervention. The Petition for Intervention shall contain:

t) the name and address of the person making the petition to intervene;

2) if the petitioner is represented by an attorney, the name and address of the attorney;

3) a plain and concise statement setting forth the grounds for interventions;

All petitions shall be filed with the Hearing Officer and copies served on all parties to the proceedings;

f) All written documents provided for under this Section shall be liberally construed with a view toward doing substantial justice between the parties. Amendments to the Allegations of Noncompliance, Department's Statements of the Matters Asserted, Answers, and Petitions for Intervention may be allowed upon proper motion at any time

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during the pendency of the proceedings on such terms as shall be just and reasonable.

g) Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location only upon stipulation by all parties. All written documents provided for under this Section shall be liberally construed with a view toward doing substantial justice between the parties;

h) Motions:

t) Motions, unless made during a hearing or the prehearing conference, shall be made in writing, shall set forth the relief or order sought, and shall be ruled upon on the day of such hearing, or prior to such hearing after notice to all parties and opportunity to be heard on such motion. The requirement of writing is fulfilled if the motion is stated in a written Notice of Motion. Motions based on a matter which does not appear of record shall be supported by affidavit.

2) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No Motion shall be identically titled with any other Motion. Example: RESPONDENT'S MOTION TO DISMISS, RESPONDENT'S SECOND MOTION TO DISMISS.

3) Motions to the Pleading. Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleading shall not be granted if the pleadings are in conformity with Section 7 of these rules or the information sought is obtainable through discovery.

4) Motions to postpone, vacate, or overturn an Order of the Department. The Hearing Officer shall not have the authority to postpone, vacate, or overturn an Order of the Department, but may make a recommendation to the Director any time before he issues the Hearing Officer's Report that an Interim Order be issued postponing, vacating, or overturning the Order if circumstances merit such a recommendation.

5) Motions for a continuance. Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five (5) working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the Motion. After one continuance has been granted to a party additional continuances may be granted to that party only if:

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- A) ~~a hearing on the issue of whether or not to grant the continuance has been held and the moving party presented sufficient evidence showing entitlement to another continuance, or~~
- B) ~~there is a bonafide emergency or "act of God," or~~
- C) ~~all parties so stipulate.~~

~~Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.~~

~~Emergencies: If there is a bonafide unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall, whenever possible, be made through a conference call involving the Hearing Officer and all parties.~~

- i) ~~Responses: Any party to a hearing may respond to any motion or petition. Responses shall be in writing unless made at a prehearing conference or a hearing.~~

- j) ~~All motions, petitions and other pleadings under this Section shall be filed with the Hearing Officer with a copy being sent to all other parties and intervenors.~~

(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

Section 100.8: Motions Forms of Paper

- a) ~~Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Motions based on a matter which does not appear of record shall be supported by affidavit.~~
- b) ~~Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Example: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.~~
- c) ~~Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 100.7.~~
- d) ~~The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation to the Director any time that circumstances merit such a recommendation.~~

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- e) ~~Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five (5) working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party additional continuances may be granted to that party only if:~~

- 1) ~~a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance, or~~
- 2) ~~there is an emergency, or~~
- 3) ~~all parties so stipulate.~~

- f) ~~Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.~~

- g) ~~If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 business days by the filing of a written motion.~~

- h) ~~Responses shall be in writing unless made at a prehearing conference or a hearing.~~

- i) ~~On motion made by any party, the administrative law judge who is the subject of such motion shall determine whether he or she should be disqualified on the basis of bias or conflict of interest, and shall remove himself or herself if a determination is made that bias or a conflict of interest exists. If the motion is granted, the Director shall appoint a new administrative law judge. AN ADVERSE RULING IN AND OF ITSELF, SHALL NOT CONSTITUTE BIAS OR CONFLICT OF INTEREST. (Section 10-30 of the IAPA)~~

- a) ~~All papers filed in any proceedings except exhibits shall be typewritten or printed. If typewritten, the impression shall be on one side of the paper, long quotations shall be single spaced and indented. Mimeographed, multigraphed, hectographed, photostated papers, and the like, will be accepted as typewritten.~~

- b) ~~All papers, except exhibits, shall be out or folded so as not to exceed a width of 8 1/2 inches and a length of 11 inches and shall have inside margins not less than one (1) inch wide. Whenever practicable, all exhibits of a documentary character shall conform to said requirements.~~

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- e) ~~All pleadings, written motions, or notices filed in the administrative proceedings shall be dated and signed in ink by the party filing the paper or his or her attorney.~~
- d) ~~Pleadings, written motions, and notices contain the address of the party filing the paper or, if represented by an attorney, the name and business address of such attorney.~~

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective APR 01 1994)

Section 100.9: Form of Papers Service

- a) All papers filed in any proceedings except exhibits shall be typewritten or printed. Long quotations shall be single spaced and indented.
- b) All papers, except exhibits, shall be cut or folded so as not to exceed a width of 8 1/2 inches and a length of 11 inches and shall have inside margins not less than one (1) inch wide. Whenever practical, all exhibits of a documentary character shall conform to said requirements.
- c) All pleadings, written motions, or notices filed in the administrative proceedings shall be dated and signed in ink by the party filing the paper or his or her attorney or representative.
- d) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney or other representative, the name and business address and telephone number (including area code) of such attorney or representative.

e) ~~NOTICES UNDER paragraph (a) of Section 100.7 SHALL BE SERVED EITHER PERSONALLY OR BY CERTIFIED MAIL UPON ALL PARTIES OR THEIR AGENTS APPOINTED TO RECEIVE SERVICE OF PROCESS unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute.~~

- b) Service of pleadings or motions under Section 100.7 of these rules unless otherwise provided for in this Section shall be made by delivering in person or by depositing in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceeding. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties.

e) Proof of service under paragraph (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment.

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective APR 01 1994)

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Section 100.10: Service Pre-Hearing Conferences

- a) Notices under Section 100.7(a) shall be served either personally or by certified mail upon all parties (including complainants under the NHCA, where applicable) or their agents appointed to receive service of process unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute.
- b) Service of pleadings or motions under this Section, unless otherwise provided for in this Section, shall be made by delivering in person or by depositing in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties. All pleadings or motions under this Section shall also be served upon the administrative law judge.
- c) Proof of service under subsection (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment.
- e) A prehearing conference may be scheduled by the Hearing Officer or Department at their discretion or as a result of a request pursuant to paragraph (b) of this Section. This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
 - 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.
- b) In any proceedings under these rules in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. Such request must be made in writing and received by Hearing Officer at least 72 hours prior to the scheduled date of hearing. The requesting party shall serve all other parties to the proceedings with a copy of the request.
- e) Upon the receipt of a request for a prehearing conference in accordance with subsection paragraph (b) of this Section the Hearing Officer shall schedule the prehearing conference and notify all parties of the date, time and place of the conference.
- d) After a prehearing conference, the Hearing Officer shall make a report which recites any

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action taken by the Hearing Officer and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference.

- e) Any party may request additional prehearing conferences. The Hearing Officer, in his discretion, may deny or grant such a request.
- f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two working days in advance of the scheduled prehearing conference. The party requesting the presence of the court reporter shall be billed directly for the attendance fee of the reporter.

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____)

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Section 100.11: Prehearing Conferences Conduct of Hearings

- a) A prehearing conference may be scheduled by the administrative law judge or Department at their discretion or as a result of a request pursuant to subsection (b) of this Section. This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
 - 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.

- b) In any proceedings under this Section in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. Such request must be made in writing and received by the administrative law judge at least 5 days prior to the scheduled date of hearing. The requesting party shall serve all other parties to the proceedings with a copy of the request.

- c) Upon the receipt of a request for a prehearing conference in accordance with subsection (b) of this Section, the administrative law judge shall schedule the prehearing conference

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and notify all parties of the date, time and place of the conference.

- d) After a prehearing conference, the administrative law judge shall make a report which recites any action taken by the administrative law judge and any agreements made by the parties as to any of the matters considered.
- e) Any party may request additional prehearing conferences. The administrative law judge, in his or her discretion, may deny or grant such a request.
- f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two working days in advance of the scheduled prehearing conference. The party requesting the presence of the court reporter shall be billed directly for the attendance fee of the reporter.

- g) All hearings conducted in any proceedings shall be open to the public.

- h) Hearings will be conducted by the Director or by a Hearing Officer appointed by the Director. If the Director conducts the hearings, any reference in these rules to the Hearing Officer shall be read to refer to the Director.

- i) The Hearing Officer shall conduct hearings; administer oaths; issue subpoenas; take depositions or cause the same to be taken; regulate the course of hearings; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence and amendments to pleadings.

- j) The Hearing Officer shall direct all parties to enter their appearances on the record.

- k) At all hearings the Department shall open and close. Written opening arguments, written closing arguments, legal memorandum, trial briefs, or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the hearing officer, sua sponte, from requesting that certain issues be briefed by the parties.

- l) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested issue by stipulation, agreed settlement, consent order, or default.

- m) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department or its Hearing Officer may call upon any party or the technical staff of the Department of Public Health or other Departments of State government or

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~~State Universities material or relevant evidence upon any issue.~~

h) ~~THE RULES OF EVIDENCE AND PRIVILEGE AS APPLIED IN CIVIL CASES IN THE CIRCUIT COURT OF THIS STATE SHALL BE FOLLOWED. HOWEVER, EVIDENCE NOT ADMISSIBLE UNDER SUCH RULES OF EVIDENCE MAY BE ADMITTED EXCEPT WHERE PRECLUDED BY STATUTE) IF IT IS OF A TYPE COMMONLY RELIED UPON BY REASONABLE PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS. IMMATERIAL, IRRELEVANT, OR UNDULY REPETITIOUS MATERIAL SHALL BE EXCLUDED. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions of law (if any) which support the decision. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. If, in the judgment of the Hearing Officer, such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper, or document will not be received in evidence as a whole but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit. OBJECTIONS TO EVIDENTIARY OFFERS MAY BE MADE AND SHALL BE NOTED IN THE RECORD.~~

i) ~~OFFICIAL NOTICE MAY BE TAKEN OF MATTERS OF WHICH CIRCUIT COURTS OF THIS STATE MAY TAKE JUDICIAL NOTICE. IN ADDITION, OFFICIAL NOTICE MAY BE TAKEN OF GENERALLY RECOGNIZED TECHNICAL OR SCIENTIFIC FACTS WITHIN THE DEPARTMENT'S SPECIALIZED KNOWLEDGE, PARTIES SHALL BE NOTIFIED EITHER BEFORE OR DURING THE HEARING, OR BY REFERENCE IN PRELIMINARY REPORTS OR OTHERWISE, OF THE MATERIAL NOTICED, INCLUDING ANY STAFF MEMORANDA OR DATA, AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE MATERIAL SO NOTICED. THE DEPARTMENT'S EXPERIENCE, TECHNICAL COMPETENCE AND SPECIALIZED KNOWLEDGE MAY BE UTILIZED IN THE EVALUATION OF EVIDENCE.~~

j) ~~THE DEPARTMENT WILL ARRANGE FOR A CERTIFIED STENOGRAPHIC REPORTER (COURT REPORTER) TO MAKE A STENOGRAPHIC RECORD OF THE HEARINGS IN ALL ADMINISTRATIVE HEARINGS UNDER THESE RULES. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of fifty centers per page.~~

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k) ~~Suggested corrections to the transcript of record may be offered within ten (10) days after the transcript is filed in the proceedings, unless the director or the Hearing Officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon or brought to the attention of such party whose appearance is of record or his/her attorney, the official reporter, and the Hearing Officer. If suggested corrections are not objected to, the Hearing Officer will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Hearing Officer, who shall then determine the manner in which the record shall be changed, if at all.~~

l) ~~No exception need be taken to any ruling or action of the Department or of its Hearing Officer. (filed, September 13, 1978, effective, September 23, 1978)~~

m) ~~Venue shall be the location designated in the Notice of Administrative Hearing or Notice of an Opportunity for an Administrative Hearing. Venue may be moved to another location only upon stipulation by all parties.~~

n) ~~If a party, or any person at the instance of or in collusion with a party, violates any of this Part these rules or ruling of the Hearing Officer, the Hearing Officer, on motion, may enter such orders as are just, including, among others, the following:~~

- 1) ~~that further proceedings be stayed until the order or rule is complied with;~~
- 2) ~~that the offending party be debarred from filing any other pleadings relating to any issue to which the refusal or failure relates;~~
- 3) ~~that he be debarred from maintaining any particular claim or defense relating to that issues;~~
- 4) ~~that a witness be barred from testifying concerning that issue;~~
- 5) ~~that, as to claims or defenses asserted in any pleading to which that issue is material, a judgment by default be entered against the offending party or that his suit be dismissed without prejudice; or~~
- 6) ~~that any portion of his pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to that issue.~~

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____)
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Section 100.12- Hearings Subpoenas

a) ~~All hearings conducted in any proceedings shall be open to the public.~~

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b) Hearings will be conducted by the Director or by an administrative law judge appointed by the Director. If the Director conducts the hearings, any reference in this Section to the administrative law judge shall be read to refer to the Director.

c) The administrative law judge shall conduct hearings; administer oaths; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.

d) The administrative law judge shall direct all parties to enter their appearances on the record.

e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate.

f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by motion.

g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.

h) THE RULES OF EVIDENCE AND PRIVILEGE AS APPLIED IN CIVIL CASES IN THE CIRCUIT COURTS OF THIS STATE SHALL BE FOLLOWED. HOWEVER, EVIDENCE NOT ADMISSIBLE UNDER SUCH RULES OF EVIDENCE MAY BE ADMITTED (EXCEPT WHERE PRECLUDED BY STATUTE) IF IT IS OF A TYPE COMMONLY RELIED UPON BY REASONABLY PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS. IMMATERIAL, IRRELEVANT, OR UNDULY REPETITIOUS MATERIAL SHALL BE EXCLUDED. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. OBJECTIONS TO EVIDENTIARY OFFERS MAY BE MADE AND SHALL BE NOTED IN THE RECORD. (Section 10-40 of the IAPA)

i) Official notice may be taken of matters of which circuit courts of this state may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material

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NOTICED, INCLUDING ANY STAFF MEMORANDA OR DATA, AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE MATERIAL SO NOTICED. THE DEPARTMENT'S EXPERIENCE, TECHNICAL COMPETENCE AND SPECIALIZED KNOWLEDGE MAY BE UTILIZED IN THE EVALUATION OF EVIDENCE. (Section 10-40 of the IAPA)

j) The Department will arrange for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under these rules. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar per page.

k) Corrections to the transcript of the record may be made by the Director or administrative law judge.

l) If a party, or any person at the instance of or in collusion with a party, violates any ruling of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:

- 1) that further proceedings be stayed until the order or rule is complied with;
- 2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;
- 3) that he or she be barred from maintaining any particular claim or defense relating to that issue;
- 4) that a witness be barred from testifying concerning that issue;
- 5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that his or her pleading be dismissed without prejudice; or
- 6) that any portion of his or her pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.

m) The inspection or investigation casefile of the Department shall be admitted. The preparer of the inspection or investigation case file may be subject to cross-examination upon notice to appear at the hearing.

n) In any hearing conducted pursuant to this Section, the administrative law judge shall receive a photograph as competent evidence of the item depicted in the photograph. It is not a prerequisite to application of this Section that the money or property photographed

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be unavailable.

c) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing.

d) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.

e) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Hearing Officer upon his/her own motion or upon the written request of any party to the proceeding. The Director or the Hearing Officer may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the Hearing Officer may deny or modify the request for subpoenas.

b) Subpoenas issued by the Director or the Hearing Officer upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail.

c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Hearing Officer upon his/her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____, APR 01 1994)

Section 100.13: Subpoenas Discovery and Depositions

a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the administrative law judge upon his or her own motion or upon the written request of any party upon a showing of the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the administrative law judge may deny or modify the request for subpoenas.

b) Subpoenas issued by the Director or the administrative law judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail at least seven days before the date on which appearance is required.

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c) The witness fee for attendance and travel shall be the same as the fee of witnesses before the circuit courts of this State. When a witness is subpoenaed by the Director, or, by the administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.

d) The appearance at the hearing of a party or a person who at the time of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear at least 7 days before the date on which appearance is required. The notice also may require the production at hearing of documents or tangible things.

e) Subpoenas shall be enforced in the same manner as subpoenas issued by the circuit courts of this State.

f) Each party to a proceeding shall upon a timely request serve upon all other parties to the proceeding a list of potential witnesses who may be called upon to testify at the hearing during its case in chief. Such list shall be served within seven (7) days after the request is received. The witness list shall be updated as discovery proceeds.

g) After service of a Notice, any party to the proceeding may obtain discovery in accordance with these rules. Discovery may be obtained through any of the following discovery methods: depositions upon oral or written questions; written interrogatories to parties; discovery or inspection of documents, property, and real or demonstrated evidence; duplication of discovery methods to obtain the same information should be avoided. All discovery shall be in a reasonable and timely manner.

e) The Scope of Discovery shall be the same as provided for by the Rules of the Illinois Supreme Court unless otherwise stated in these rules. Discovery shall not be taken after the hearing has begun, except upon written motion showing that the discovery was unavailable before the hearing began and is necessary to the party.

d) Any party may take the testimony of any party or person by deposition upon oral examination for the purpose of discovery or for use as evidence in a hearing. If the party taking the deposition has reason to believe that the deponent will not be available for testimony at the hearing, the party shall in the Notice of Deposition designate the deposition as an evidence deposition. Any party who has reason to believe that any potential witness will not be available for testimony at the hearing shall promptly so notify all other parties so that an evidence deposition may be taken if desired. If a discovery deposition is desired, it shall be taken before the evidence deposition, unless the parties stipulate otherwise or the Hearing Officer orders otherwise upon notice and motion. The notice, order, or stipulation to take a deposition shall specify whether the deposition is to be a discovery deposition or an evidence deposition. In the absence of such a specification a deposition is a discovery deposition only.

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- e) A party desiring to take the deposition of any person upon oral examination shall serve written notice a reasonable time in advance on all other parties. The notice shall state the time and place for taking the deposition; the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify him; and whether the deposition is for purposes of discovery or use in evidence. The notice of deposition shall be accompanied by a copy of the subpoena served upon the person to be deposed. Parties shall appear or produce their employees upon Notice without subpoena.
- f) Depositions upon written questions shall not be allowed unless the party to be deposed is residing out of State. The taking of depositions by written questions shall be in accordance with the Rules of the Illinois Supreme Court.
- g) The party at whose instance the deposition is taken shall pay the fees of the witness and the charges of the recorder or stenographer for attending. The party at whose request a deposition is transcribed and filed shall pay the charges for transcription and filing.
- h) Depositions may be used for any purpose that they could be used in the Circuit Court of this State. In addition, when the offering party did not have reason to believe that the witness would be unavailable for testimony at the hearing, the discovery deposition may also be used as depositions are used in the federal courts of the United States under Rule 32 of the Federal Rules of Civil Procedure.
- i) Interrogatories may be directed by any party to a proceeding to any other party. Interrogatories shall be served on all parties in a timely manner so as to allow the party they are directed to sufficient time to respond. Any party may petition the Hearing Officer to grant additional time to answer the interrogatories, or to limit or deny the right to interrogatories where they are not restricted to the issues of unnecessary burden or expense on the answering party. Answers to interrogatories may be used in evidence to the same extent as a discovery deposition.
- j) All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional request.

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____
APR 01 1994)

Section 100.14: Scope of Discovery Hearing Officer's Report and Final Decision

- a) Prior to or at the prehearing conference, the Department shall provide all parties with a copy of all the Department's inspection or investigative reports relating to the Allegations of Noncompliance. If no pre-hearing conference is held, the Department shall provide copies of the investigative reports prior to the hearing.
- b) Upon written request served on the opposing party, any party shall be entitled to:

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- 1) the name and address of any witness who may be called to testify; and
- 2) a description of any other evidence which may be offered.
- c) Within fifteen (15) working days prior to the commencement of a hearing, each party shall file all exhibits which it intends to offer into evidence at the hearing. Unless objected to in writing within ten (10) days after such filing, no objection to the admissibility of such exhibits shall be entertained.
- d) Absent a showing of cause, no document shall be offered as an exhibit in any hearing which was not disclosed in accordance with this Section or pursuant to an order of administrative law judge, and no witness shall testify whose name was not included on a witness list, if one was requested.
- e) All parties shall be entitled to any exculpatory evidence in the Department's possession which tends to support Respondent's position or which might impeach the credibility of a Department witness.
- f) Upon a written request served on any party, at any time after a notice or hearing request is filed, or at any stage of the hearing, the Respondent shall be required to produce within 7 days documents, books, records, or other evidence which relate directly to conduct of the business entity which is the subject of the administrative hearing.
- g) All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.
- h) Nothing contained herein shall preclude the parties from agreeing to the voluntary exchange of more information than is required.
- i) At the conclusion of a hearing at which the Director has not presided, the Hearing Officer shall make a written report of the hearing, with his findings of fact and conclusions of law and his recommendations, if any, to the Director which report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
- j) If the Hearing Officer's recommendations are adverse to a party to the proceeding other than the Department, the Hearing Officer shall prepare for the Director's consideration a proposal for decision in accordance with the provisions of Section 100.15 of these rules.
- k) If the Director has not presided at a hearing or has not read the record of the proceedings, the provisions of Section 100.15 of these rules shall be complied with prior to the Director entering a final decision.

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- d) ~~WHEN THE DIRECTOR HAS NOT BEEN LICENSED TO PRACTICE MEDICINE AND SURGERY IN THE STATE, THE RECORD OF ANY CONTESTED CASE ON ISSUES AFFECTING MEDICAL OPERATIONS AND MEDICAL PROGRAMS (including the Proposal for Decision, Exceptions to Proposal for Decision, and Responses) SHALL BE REVIEWED BY THE MEDICAL DETERMINATION BOARD WHO SHALL THEN MAKE RECOMMENDATIONS TO THE DIRECTOR.~~
- e) ~~THE DIRECTOR SHALL ADOPT A FINAL DECISION IN EACH CASE SUPPORTED BY CONCISE FINDINGS OF FACT AND APPROPRIATE CONCLUSIONS OF LAW. THE DECISION AND SUPPORTING FINDINGS OF FACT AND CONCLUSIONS OF LAW SHALL BE MADE A PART OF THE OFFICIAL RECORD OF EACH HEARING. FINDINGS OF FACT, IF SET FORTH IN STATUTORY LANGUAGE, SHALL BE MADE A PART OF THE OFFICIAL RECORD OF EACH HEARING. FINDINGS OF FACT, IF SET FORTH IN STATUTORY LANGUAGE, SHALL BE ACCOMPANIED BY A CONCISE AND EXPLICIT STATEMENT OF THE UNDERLYING FACTS SUPPORTING THE FINDINGS.~~
- f) ~~A COPY OF ANY DECISION OR ORDER OF THE DIRECTOR SHALL BE SERVED PERSONALLY OR BY CERTIFIED MAIL OR BY REGISTERED MAIL UPON ALL PARTIES OF RECORD OR THEIR AGENTS APPOINTED TO RECEIVE SERVICE.~~

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____
APR 01 1994)

Section 100.15: Administrative Law Judge's Report and Recommendations Proposal for Decision

At the conclusion of a hearing at which the Director has not presided, the administrative law judge shall make a written report of the hearing, with his or her findings of fact and conclusions of law and his or her recommendations, if any, to the Director. The report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.

- a) ~~WHEN THE DIRECTOR HAS NOT HEARD THE CONTESTED CASE OR READ THE RECORD AND HIS FINAL DECISION WOULD BE ADVERSE TO ANY PARTY OTHER THAN THE DEPARTMENT, A PROPOSAL FOR DECISION SHALL BE SERVED UPON ALL PARTIES TO THE PROCEEDINGS.~~
- b) ~~THE PROPOSAL FOR DECISION SHALL BE WRITTEN BY THE HEARING OFFICER. THE PROPOSAL FOR DECISION SHALL:~~
- 4) ~~INDICATE THE PROPOSED ORDER;~~
 - 2) ~~CONTAIN A STATEMENT OF THE REASONS FOR THE PROPOSED~~

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DECISION;

- 3) ~~CONTAIN A STATEMENT OF EACH ISSUE OF FACT OR LAW NECESSARY TO THE PROPOSED DECISION; AND~~
- 4) ~~INDICATE THE TIME IN WHICH THE ADVERSELY AFFECTED PARTIES HAVE TO FILE WRITTEN EXCEPTIONS AND A BRIEF.~~
- e) ~~Any party adversely affected by the proposed decision shall have at least 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have ten (10) days to respond to the exceptions and/or brief.~~
- d) ~~The proposal for decision shall be served on all parties personally or by certified mail.~~
- e) ~~THE DIRECTOR IN HIS OR HER DISCRETION MAY PROVIDE FOR ORAL ARGUMENTS ON THE PROPOSAL FOR DECISION. If oral arguments are allowed, they shall be scheduled as convenient to both the Director and all parties.~~

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____
APR 01 1994)

Section 100.16: Proposal for Decision Records of Proceedings

- a) ~~When the Director has not heard the contested case or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceedings. The proposal for decision shall contain:~~

- 1) ~~A STATEMENT OF THE REASONS for the proposed decision;~~
- 2) ~~A STATEMENT OF EACH ISSUE OF FACT OR LAW NECESSARY TO THE PROPOSED DECISION. (Section 10-45 of the IAPA)~~
- b) ~~THE PROPOSED DECISION SHALL BE PREPARED BY THE PERSONS WHO CONDUCTED THE HEARING OR ONE WHO HAS READ THE RECORD. (Section 10-45 of the IAPA)~~

- c) ~~Any party adversely affected by the proposed decision shall have 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief. Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have ten (10) days to respond to the exceptions or brief.~~

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- d) The proposal for decision shall be served on all parties personally or by certified mail.
- e) The Director in his or her discretion may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the Director.

- a) A FULL AND COMPLETE RECORD SHALL BE KEPT OF ALL PROCEEDINGS. THE RECORD SHALL CONSIST OF THE FOLLOWING:

- 1) ALL PLEADINGS (INCLUDING ALL NOTICES AND RESPONSES THERETO), MOTIONS, AND RULINGS;
- 2) a transcript of the hearing, if any, and ALL EVIDENCE RECEIVED;
- 3) A STATEMENT OF MATTERS OFFICIALLY NOTICED;
- 4) OFFERS OF PROOF, OBJECTIONS AND RULINGS THEREON;
- 5) PROPOSED FINDINGS AND EXCEPTIONS;
- 6) ANY DECISION, OPINION OR REPORT BY THE HEARING OFFICER;
- 7) ALL STAFF MEMORANDA OR DATA SUBMITTED TO THE HEARING OFFICER OR MEMBERS OF THE AGENCY IN CONNECTION WITH THEIR CONSIDERATION OF THE CASE;
- 8) ANY COMMUNICATION PROHIBITED BY SECTION 14 OF THE APA, BUT SUCH COMMUNICATIONS SHALL NOT FORM THE BASIS FOR ANY FINDING OF FACT.

- b) The record shall not contain:

- 1) Subpoenas
- 2) Requests for Subpoenas
- 3) Cover letters
- 4) Notices of Filing
- 5) Certificates of Mailing for regular mail
- 6) Notices of Depositions
- 7) Discovery Requests

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unless a party requests that the document or documents be included in the record.

- e) The Department shall be the official custodian of the records of administrative hearings held before the Department.

(Source: Section repealed, new Section added at 18 Ill. Reg. _____, effective _____
APR 01 1994)

Section 100.17: Final Orders Miscellaneous

- a) A written Final Order shall be issued in every contested case. A FINAL ORDER SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW, SEPARATELY STATED. ALL FINAL ORDERS SHALL SPECIFY WHETHER THEY ARE FINAL AND SUBJECT TO THE ILLINOIS ADMINISTRATIVE REVIEW LAW (Ill. Rev. Stat., 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/Article III], and any applicable licensing statute. (Section 10-50 of the IAPA).

- b) A final orders shall be served on PARTIES OR THEIR AGENTS APPOINTED TO RECEIVE SERVICE OF PROCESS EITHER PERSONALLY, OR BY REGISTERED OR CERTIFIED MAIL. (Section 10-50 of the IAPA)

- a) Ex parte consultation. EXCEPT IN THE DISPOSITION OF MATTERS WHICH THEY ARE AUTHORIZED BY LAW TO ENTERTAIN OR DISPOSE OF ON AN EX PARTE BASIS, the Hearing Officer or Director SHALL NOT, AFTER NOTICE OF HEARING, COMMUNICATE DIRECTLY OR INDIRECTLY, IN CONNECTION WITH ANY OTHER ISSUE WITH ANY PARTY, HIS OR HER REPRESENTATIVE, or any person interested in the outcome of the proceeding. EXCEPT UPON NOTICE AND OPPORTUNITY FOR PARTIES TO PARTICIPATE. HOWEVER, A DEPARTMENT EMPLOYEE MAY COMMUNICATE WITH OTHER EMPLOYEES OF THE DEPARTMENT, AND THE Hearing Officer or Director MAY HAVE THE AID AND ADVICE OF ONE OR MORE PERSONAL ASSISTANTS.

- b) Advisory Boards. In licensing programs where by statute an Advisory Board has been established, the Department or the Hearing Officer may request the Advisory Board to make a recommendation on the disposition of a contested case, if such a recommendation is made, it will be made a part of the record.

- e) Computation of Time. The time within which any act under these rules is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed by statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding day shall also be excluded.

- d) Construction of Rules. These rules shall not be construed to abrogate, modify, or limit

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any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between these rules and the IAPA or a specific licensing statute, the terms of the latter shall control.

- e) ~~WAIVER—COMPLIANCE WITH ANY OR ALL PROVISIONS OF REGARDING CONTESTED CASE MAY BE WAIVED BY WRITTEN STIPULATION OF ALL PARTIES.~~

(Source: ~~Section 10-60~~ repealed, new Section added at 18 Ill. Reg. _____, effective APR 01 1994)

Section 100.18 Records of Proceedings

- a) A full and complete record shall be kept of all proceedings. THE RECORD SHALL CONSIST OF THE FOLLOWING:

- 1) ALL PLEADINGS (INCLUDING ALL NOTICES AND RESPONSES THERETO), MOTIONS, AND RULINGS;
- 2) a transcript of the hearing, if any, and ALL EVIDENCE RECEIVED;
- 3) A STATEMENT OF MATTERS OFFICIALLY NOTICED;
- 4) ANY OFFERS OF PROOF, OBJECTIONS AND RULINGS THEREON;
- 5) ANY PROPOSED FINDINGS AND EXCEPTIONS;
- 6) ANY DECISION, OPINION, OR REPORT BY THE ADMINISTRATIVE LAW JUDGE;
- 7) ALL STAFF MEMORANDA OR DATA SUBMITTED TO THE ADMINISTRATIVE LAW JUDGE OR MEMBERS OF THE Department IN CONNECTION WITH THEIR CONSIDERATION OF THE CASE; and
- 8) ANY COMMUNICATION PROHIBITED BY SECTION 10-60 OF THE IAPA. NO SUCH COMMUNICATIONS SHALL FORM THE BASIS FOR ANY FINDING OF FACT. (Section 10-35 of the IAPA)

- b) The record shall not contain the following unless a party requests that the document or documents be included in the record:

- 1) Subpoenas;

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- 2) Requests for Subpoenas;
- 3) Cover letters;
- 4) Notices of Filing;
- 5) Certificates of Mailing for regular mail; and
- 6) Discovery Requests.

- c) The Department shall be the official custodian of the records of administrative hearings held before the Department.

(Source: Added at 18 Ill. Reg. _____, effective APR 01 1994.)

Section 100.19 Miscellaneous

- a) Ex parte consultation. EXCEPT IN THE DISPOSITION OF MATTERS THAT THE Department is AUTHORIZED BY LAW TO ENTERTAIN OR DISPOSE OF ON AN EX PARTE BASIS, the administrative law judge or Director SHALL NOT, AFTER NOTICE OF HEARING, COMMUNICATE DIRECTLY OR INDIRECTLY, IN CONNECTION WITH ANY OTHER ISSUE OF FACT, WITH ANY PERSON OR PARTY, HIS OR HER REPRESENTATIVE, or any person interested in the outcome of the proceeding, EXCEPT UPON NOTICE AND OPPORTUNITY FOR PARTIES TO PARTICIPATE. HOWEVER, a Department MEMBER MAY COMMUNICATE WITH OTHER MEMBERS OF THE Department OR THE ADMINISTRATIVE LAW JUDGE MAY HAVE THE AID AND ADVICE OF ONE OR MORE PERSONAL ASSISTANTS.

- 1) AN EX PARTE COMMUNICATION RECEIVED BY the Director, any Department EMPLOYEE, OR the ADMINISTRATIVE LAW JUDGE SHALL BE MADE A PART OF THE RECORD OF THE PENDING MATTER, INCLUDING ALL WRITTEN COMMUNICATIONS, ALL WRITTEN RESPONSES TO THE COMMUNICATIONS, AND A MEMORANDUM STATING THE SUBSTANCE OF ALL ORAL COMMUNICATIONS AND ALL RESPONSES MADE AND THE IDENTITY OF EACH PERSON FROM WHOM THE EX PARTE COMMUNICATION WAS RECEIVED.

- 2) COMMUNICATIONS REGARDING MATTERS OF PROCEDURE AND PRACTICE, SUCH AS THE FORMAT OF PLEADINGS, NUMBER OF COPIES REQUIRED, MANNER OF SERVICE, AND STATUS OF PROCEEDINGS, ARE NOT CONSIDERED EX PARTE COMMUNICATIONS UNDER THIS SECTION. (Section 10-60 of the IAPA)

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b) Computation of Time. The time within which any act under this Section is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed by statute in force in this State, and then it shall also be excluded. If the day succeeding the last day is a Saturday, Sunday or a holiday as defined or fixed by statute in force in this State, that day shall also be excluded.

c) Construction of Rules. In case of any conflict between this Part and the IAPA or a specific licensing statute, the terms of the latter shall control.

d) WAIVER. COMPLIANCE WITH ANY OR ALL PROVISIONS CONCERNING CONTESTED CASES MAY BE WAIVED BY WRITTEN STIPULATION OF ALL PARTIES. (Section 10-70 of the IAPA)

Source: Added at 18 Ill. Reg. _____, effective APR 01 1994)

DEPARTMENT OF STATE POLICE MERIT BOARD

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- 1) The Heading of the Part: PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION
- 2) Code Citation: 2 Ill. Adm. Code 2050
- 3) Section Numbers: Adopted Action:
2050.20 Amendment
2050.30 Amendment
2050.110 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 121, par. 307.8 [20 ILCS 2610/0.01 - 2610/0.14]
- 5) Effective date of rule(s): April 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: April 1, 1994
- 9) Notice(s) of Proposal published in Illinois Register: Because these changes are Title 2 changes, it was not necessary to file Proposed Rules.
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposed and final version: Does Not Apply
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Does Not Apply
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rule(s): Changing the address of the Merit Board office.
- 16) Information and questions regarding this adopted rule shall be directed to:

Name: James E. Seiber, Executive Director

Address: 3180 Adloff Lane, Suite 100, Springfield, IL 62703

Telephone: 217/786-6240

The full text of the Adopted Rule(s) begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER XXIII: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 2050

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
 2050.10
 2050.20
 2050.30

Applicability
 Public Requests
 Public Submissions

SUBPART B: RULEMAKING

Section
 2050.110
 2050.120

Procedure
 Public Hearings

SUBPART C: ORGANIZATION

Section
 2050.210
 2050.220
 2050.230
 2050.240

Chairman and Secretary
 Regular and Special Meetings
 Quorum and Voting
 Office

AUTHORITY: Implementing Section 3 and authorized by Section 8 of the Department of the State Police Act (Ill. Rev. Stat. 1991, ch. 121, pars. 307.3 through 307.14.) [20 ILCS 2610/0.01 - 2610/0.14]

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, or a maximum of 150 days; emergency rule at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; codified at 7 Ill. Reg. 9900; recodified at 8 Ill. Reg. 5200; amended at 8 Ill. Reg. 5201, effective April 9, 1984; amended at 8 Ill. Reg. 7907, effective May 23, 1984; recodified from the Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3284; amended at 10 Ill. Reg. 18043, effective October 8, 1986; amended at ___ Ill. Reg. ___, effective

APR 01 1994

DEPARTMENT OF STATE POLICE MERIT BOARD

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SUBPART A: PUBLIC INFORMATION

Section 2050.20 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested, the reason for the request and, when applicable, timing requirements. Requests should be directed to:

Executive Director
 Department of State Police
 Merit Board
 2425 Stevenson Drive 3180 Adloff Lane, Suite 100
 Springfield, Illinois 62703

- b) The Department shall respond to such requests within 10 days of receipt, whenever possible.

- c) When confidential information is requested, or whenever release of information is limited or prohibited by statute, the requestor shall be notified in writing.

(Source: Amended at ___ Ill. Reg. ___, effective APR 01 1994)

Section 2050.30 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, programs and activities of the Department in writing to:

Executive Director
 Department of State Police
 Merit Board
 2425 Stevenson Drive 3180 Adloff Lane, Suite 100
 Springfield, Illinois 62703

(Source: Amended at ___ Ill. Reg. ___, effective APR 01 1994)

Section 2050.110 Procedure

- a) Rules may be proposed by the members of the Merit Board, the Executive Director, and members of the Department of State Police but shall be issued only by the Merit Board Chairman.

- b) Any interested person may petition the Merit Board to make, amend or repeal a rule.

DEPARTMENT OF STATE POLICE MERIT BOARD

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- 1) The Petition shall be addressed:

Executive Director
Department of State Police
Merit Board
~~2425 Stevenson Drive~~ 3180 Adloff Lane, Suite 100
Springfield, Illinois 62703

- 2) The petition shall contain a clear statement of reasons for the proposed rule, amendment or repeal and the exact language of the suggested new rule or amendment.

- c) Rules adopted by the Merit Board shall be available to any requesting party.

- d) Rules adopted by the Merit Board shall be available for public inspection during normal working hours at ~~2425 Stevenson Drive~~ 3180 Adloff Lane, Suite 100, Springfield, Illinois.

(Source: Amended at ___ Ill. Reg. ___, effective APR 01 1994.)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 509
- 3) Section Numbers: 509.300 Emergency Action: New Section
- 4) Statutory Authority: ILCS 1992, ch. 230, sec. 5/1 et seq.
- 5) Effective date of amendments: April 1, 1994
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire.
This emergency amendment will expire with the adoption of proposed rules at the end of regular rulemaking process.
- 7) Date filed in agency' principal office: March 30, 1994
- 8) Reason for the emergency: Beginning January 20, 1994, the Illinois Racing Board began collecting tongue-ties from horses. The Board has collected 222 tongue-ties to date and has reported 33 positive tests for cocaine from the collected tongue-ties. Suspensions and fines were given to those trainers whose horses' tongue-ties tested positive. On March 8, 1994, due to the inordinate amount of positive tests and many pending appeals, the Board voted to stay all suspensions and fines in the related cases in order to research the matter more thoroughly. An emergency meeting of the Board was set for March 30, 1994 at which the Board voted to dissolve the stays and implement emergency rules.
- 9) A complete description of the subjects and issues involved: This emergency rule establishes random pre-race saliva tests for horses entered to race. This rulemaking also establishes penalties for positive reports received during the pre-race saliva tests.
- 10) Are there any other proposed amendments pending in this Part? Yes, an amendment to Section 509.95 and a repeal of Section 509.220 have been submitted to JCAR for second notice. Those amendments were published at 18 Ill. Reg. 2832, February 25, 1994.
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Information and questions regarding this emergency shall be directed to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601

The full text of the emergency amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 509

MEDICATION

Section	Purpose
509.10	Definitions
509.20	Racing Soundness Exam
509.30	Foreign Substance Banned
509.40	Twenty-four Hour Ban
509.50	Unlawful Administration
509.60	Knowing Entry of Medicated Horse Prohibited
509.70	Pharmaceutical Aids Banned
509.75	Additions to Permitted List
509.80	Permitted Use of Foreign Substances: Threshold Levels
509.90	Furosemide
509.95	Possession of Needles and Injectables Prohibited
509.100	Prescription Items - Animal Use
509.110	Possession of Drugs and Chemicals
509.120	Human Use of Substances and Hypodermic Syringes or Needles (Repealed)
509.130	Detention Barn
509.140	Test Samples
509.150	Referee Samples
509.160	Laboratory Reports and Findings
509.170	Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing (Repealed)
509.180	Distribution of Purses
509.190	Procedures, Purses, Retention of Samples
509.195	Stewards Action on Laboratory Reports Under Pre-Race Testing (Repealed)
509.200	Trainer Responsibility
509.210	Prima Facie Evidence
509.220	Bleeders
509.230	Post Mortems
509.240	Penalties - Violation (Repealed)
509.250	Penalties - Failure to Guard Cases (Repealed)
509.260	Penalties - Violation of Excessive Use of Phenylbutazone (Repealed)
509.265	Penalties-Violations of Pharmaceutical Aids (Repealed)
509.270	Other Penalties
509.280	Veterinarian's Records
509.290	Offenses Occurring Prior to the Effective Date of the Rules
509.300	Pre-Race Saliva Test
EMERGENCY	

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (230 ILCS 5).

SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 15869, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 16191, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 7002, effective May 7, 1984; amended at 11 Ill. Reg. 14424, effective August 14, 1987; amended at 11 Ill. Reg. 15492, effective September 3, 1987; amended at 14 Ill. Reg. 8186, effective May 15, 1990; amended at 20045, effective December 4, 1990; amended at 15 Ill. Reg. 11989, effective August 12, 1991; amended at 17 Ill. Reg. 3649, effective March 4, 1993; amended at 18 Ill. Reg. 2095, effective January 21, 1994; emergency rule added at 18 Ill. Reg. effective April 1, 1994, for a maximum of 150 days.

Section 509.300 Pre-Race Saliva Tests
EMERGENCY

- The stewards may require that any horse entered to race submit to a pre-race saliva test.
- If the pre-race saliva test is positive for a foreign substance, the subject horse shall be scratched and the trainer shall be fined \$100.
- A trainer who is the subject of a second positive on a pre-race saliva test shall be suspended for 30 days.
- A trainer who is the subject of a third positive on a pre-race saliva test shall be suspended for 180 days.
- A trainer who has been the subject of three positive reports on pre-race saliva tests shall be suspended for one year for each additional positive thereafter.

(Source: Emergency rule added at 18 Ill. Reg. _____, effective April 1, 1994, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

Heading of Part: Industrial Training Program

Code Citation: 56 Ill Adm Code 2650

<u>Section Numbers:</u>	
2650.10	2650.20
2650.30	2650.40
2650.50	2650.110
2650.120	2650.130
2650.140	2650.210
2650.220	2650.230
2650.240	2650.250
2650.310	2650.320
2650.330	2650.340
2650.350	

Date Originally Published in the Illinois Register: 11/29/93

17 Ill Reg 20063

On 2/15/94, the Department of Commerce and Community Affairs and JCAR agreed to an Extension with respect to this rulemaking. The agency now projects that the Extension will expire before the agency has concluded its discussions with the affected public on possible modifications in the rulemaking. In order to afford DCCA more time to conclude its discussions and draft modifications, at its 3/22/94 meeting, JCAR recommends that the Department of Commerce and Community Affairs not adopt this rulemaking until the results of discussions among DCCA, manufacturers, and employee representatives regarding agency approval of employee training grants to Original Equipment Manufacturers has been reported back to the Joint Committee on Administrative Rules at a subsequent meeting.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING

ROOM C-1
SPRINGFIELD, ILLINOIS

10:00 A.M.

APRIL 19, 1994

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

AGENDA

I. Approval of March 22, 1994 Minutes

II. Review of Proposed Agency Rulemaking

Central Management Services

1. State of Illinois Employees' Deferred Compensation Plan (80 Ill Adm Code 2700)

-First Notice Published: 17 Ill Reg 19755 - 11/19/93
-Expiration of Second Notice Period: 4/27/94

Children and Family Services

2. Educational Services (89 Ill Adm Code 314)

-First Notice Published: 17 Ill Reg 17593 - 10/15/93
-Expiration of Second Notice Period: 5/12/94

Commerce Commission

3. Rules of Practice (83 Ill Adm Code 200)

-First Notice Published: 17 Ill Reg 22117 - 12/31/93
-Expiration of Second Notice Period: 4/24/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDACommerce and Community Affairs

4. Illinois Promotion Act Programs (14 Ill Adm Code 510)
 - First Notice Published: 17 Ill Reg 21905 - 12/27/93
 - Expiration of Second Notice Period: 5/12/94
5. Technology Advancement and Development Act Programs (14 Ill Adm Code 545)
 - First Notice Published: 18 Ill Reg 839 - 1/28/94
 - Expiration of Second Notice Period: 5/13/94
6. Public Infrastructure Loan and Grant Programs (14 Ill Adm Code 610)
 - First Notice Published: 17 Ill Reg 19352 - 11/12/93
 - Expiration of Second Notice Period: 5/12/94

Community College Board

7. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
 - First Notice Published: 18 Ill Reg 569 - 1/21/94
 - Expiration of Second Notice Period: 4/29/94

Comptroller

8. Transfers Between Accounts Within a Fund Held by the State Treasurer (74 Ill Adm Code 275)
 - First Notice Published: 18 Ill Reg 1664 - 2/4/94
 - Expiration of Second Notice Period: 5/11/94

Conservation

9. Register of Land and Water Reserves (17 Ill Adm Code 4010)
 - First Notice Published: 18 Ill Reg 578 - 1/21/94
 - Expiration of Second Notice Period: 4/29/94

Environmental Protection Agency

10. Minimal Hazard Certification (35 Ill Adm Code 670)
 - First Notice Published: 17 Ill Reg 18730 - 10/29/93
 - Expiration of Second Notice Period: 4/27/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDAHousing Development Authority

11. Affordable Housing Bond Program (47 Ill Adm Code 360)
 - First Notice Published: 18 Ill Reg 1669 - 2/4/94
 - Expiration of Second Notice Period: 5/6/94
12. Affordable Housing Bond Program (47 Ill Adm Code 365)
 - First Notice Published: 18 Ill Reg 956 - 1/28/94
 - Expiration of Second Notice Period: 5/4/94

Insurance

13. Workers' Compensation Self Insurance (50 Ill Adm Code 2901)
 - First Notice Published: 17 Ill Reg 21145 - 12/10/93
 - Expiration of Second Notice Period: 5/5/94

Mines and Minerals

14. The Illinois Oil and Gas Act (62 Ill Adm Code 240)
 - First Notice Published: 17 Ill Reg 22128 - 12/31/93
 - Expiration of Second Notice Period: 5/11/94

Professional Regulation

15. Illinois Occupational Therapy Practice Act (68 Ill Adm Code 1315)
 - First Notice Published: 18 Ill Reg 590 - 1/21/94
 - Expiration of Second Notice Period: 5/11/94

Public Aid

16. Assistance Standards (89 Ill Adm Code 111)
 - First Notice Published: 17 Ill Reg 22262 - 12/31/93
 - Expiration of Second Notice Period: 4/23/94
17. Aid to Families with Dependent Children (89 Ill Adm Code 112)
 - First Notice Published: 17 Ill Reg 22247 - 12/31/93
 - Expiration of Second Notice Period: 4/23/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

18. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
-First Notice Published: 17 Ill Reg 21982 - 12/27/93
-Expiration of Second Notice Period: 5/15/94
 19. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 17 Ill Reg 22308 - 12/31/93
-Expiration of Second Notice Period: 4/23/94
 20. Related Program Provisions (89 Ill Adm Code 117)
-First Notice Published: 17 Ill Reg 22007 - 12/27/93
-Expiration of Second Notice Period: 5/15/94
 21. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 17 Ill Reg 21991 - 12/27/93
-Expiration of Second Notice Period: 4/23/94
- Racing Board
22. Hearings and Enforcement Proceedings (11 Ill Adm Code 204)
-First Notice Published: 18 Ill Reg 126 - 1/7/94
-Expiration of Second Notice Period: 5/4/94
 23. Board Meetings (11 Ill Adm Code 206)
-First Notice Published: 18 Ill Reg 112 - 1/7/94
-Expiration of Second Notice Period: 5/4/94
 24. Repeal of Executive Secretary (11 Ill Adm Code 207)
-First Notice Published: 18 Ill Reg 124 - 1/7/94
-Expiration of Second Notice Period: 5/4/94
 25. Charitable Funds (11 Ill Adm Code 208)
-First Notice Published: 18 Ill Reg 115 - 1/7/94
-Expiration of Second Notice Period: 5/4/94
 26. Pick (N) Pools (11 Ill Adm Code 308)
-First Notice Published: 18 Ill Reg 1773 - 2/4/94
-Expiration of Second Notice Period: 5/12/94
 27. Superfecta (11 Ill Adm Code 311)
-First Notice Published: 18 Ill Reg 1780 - 2/4/94
-Expiration of Second Notice Period: 5/12/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

28. Totalizator Operations (11 Ill Adm Code 433)
-First Notice Published: 18 Ill Reg 137 - 1/7/94
-Expiration of Second Notice Period: 5/15/94
 29. Repeal of Pick N Wagering Pool (11 Ill Adm Code 438)
-First Notice Published: 18 Ill Reg 2841 - 2/25/94
-Expiration of Second Notice Period: 5/15/94
 30. Medication (11 Ill Adm Code 509)
-First Notice Published: 18 Ill Reg 2832 - 2/25/94
-Expiration of Second Notice Period: 5/15/94
- Revenue
31. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 17 Ill Reg 21163 - 12/10/93
-Expiration of Second Notice Period: 5/11/94
- Secretary of State
32. Business Corporation Act (14 Ill Adm Code 150)
-First Notice Published: 18 Ill Reg 1793 - 2/4/94
-Expiration of Second Notice Period: 5/15/94
 33. Issuance of Licenses (92 Ill Adm Code 1030)
-First Notice Published: 18 Ill Reg 993 - 1/28/94
-Expiration of Second Notice Period: 5/4/94
 34. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 18 Ill Reg 1797 - 2/4/94
-Expiration of Second Notice Period: 5/6/94
 35. Commercial Driver Training Schools (92 Ill Adm Code 1060)
-First Notice Published: 18 Ill Reg 142 - 1/7/94
-Expiration of Second Notice Period: 5/13/94
- Transportation
36. Construction in Floodways of Rivers, Lakes and Streams (92 Ill Adm Code 700)
-First Notice Published: 18 Ill Reg 607 - 1/21/94
-Expiration of Second Notice Period: 4/30/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA**III. Certification of No Objection to Proposed Rulemaking****IV. Review of Emergency and Peremptory Rulemakings**Aging

37. Community Care Program (89 Ill Adm Code 240) (Emergency)
-Notice Published: 18 Ill Reg 5348 - 4/1/94

Conservation

38. Weights and Measures Act (8 Ill Adm Code 600) (Emergency)
-Notice Published: 18 Ill Reg 4426 - 3/18/94

39. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810) (Emergency)
-Notice Published: 18 Ill Reg 5667 - 4/8/94

40. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830) (Emergency)
-Notice Published: 18 Ill Reg 4671 - 3/25/94

Employment Security

41. Notices, Records, Reports (56 Ill Adm Code 2760)(Emergency)
-Notice Published: 18 Ill Reg 2631 - 2/18/94

Joint Committee on Administrative Rules

42. Distribution of Database Information (1 Ill Adm Code 255) (Emergency)
-Notice Published: 18 Ill Reg 5359 - 4/1/94

VI. Agency ResponsesFinancial Institutions

43. Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill Adm Code 130)
-First Published: 5/14/93
-Prohibition Date: 11/16/93
-Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 29, 1994 through April 4, 1994, and have been scheduled for review by the Committee at its April 19, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
5/12/94	<u>Department of Commerce and Community Affairs, Illinois Promotion Act Programs (14 Ill Adm Code 510)</u>	12/27/93 17 Ill Reg 21905	4/19/94
5/12/94	<u>Department of Commerce and Community Affairs, Public Infrastructure Loan and Grant Programs (14 Ill Adm Code 610)</u>	11/12/93 17 Ill Reg 19352	4/19/94
5/12/94	<u>Department of Children and Family Services, Educational Services (89 Ill Adm Code 314)</u>	10/15/93 17 Ill Reg 17593	4/19/94
5/12/94	<u>Illinois Racing Board, Pick (N) Pools (11 Ill Adm Code 308)</u>	2/4/94 18 Ill Reg 1773	4/19/94
5/12/94	<u>Illinois Racing Board, Superfecta (11 Ill Adm Code 311)</u>	2/4/94 18 Ill Reg 1780	4/19/94
5/13/94	<u>Secretary of State, Commercial Driver Training Schools (92 Ill Adm Code 1060)</u>	1/7/94 18 Ill Reg 142	4/19/94
5/13/94	<u>Department of Commerce and Community Affairs, Technology Advancement and Development Act Programs (14 Ill Adm Code 545)</u>	1/28/94 18 Ill Reg 839	4/19/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
5/15/94	Illinois Racing Board, Totalizator Operations (11 Ill Adm Code 433)	1/7/94 18 Ill Reg 137	4/19/94
5/15/94	Illinois Racing Board, Repeal of Pick N Wagering Pool (11 Ill Adm Code 438)	2/25/94 18 Ill Reg 2841	4/19/94
5/15/94	Illinois Racing Board, Medication (11 Ill Adm Code 509)	2/25/94 18 Ill Reg 2832	4/19/94
5/15/94	Secretary of State, Business Corporation Act (14 Ill Adm Code 150)	2/4/94 18 Ill Reg 1793	4/19/94
5/15/94	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	12/27/93 17 Ill Reg 21982	4/19/94
5/15/94	Department of Public Aid, Related Program Provisions (89 Ill Adm Code 117)	12/27/93 17 Ill Reg 22007	4/19/94

PROCLAMATION

94-103

CALL BEFORE YOU DIG MONTH

Whereas, each year in Illinois, many lives are endangered, money and time wasted, and property destroyed because people fail to have underground facilities located prior to digging, blasting, boring, or otherwise disturbing the earth's surface; and

Whereas, Illinois' notification services, Joint Utility Locating Information for Excavators (JULIE), which covers all of Illinois except Chicago, and Chicago's Digger offer a free service to help the general public and professional excavators obtain information on the location of underground cables and mains; and

Whereas, since digging near underground facilities can be hazardous, JULIE and Digger agencies work to increase public awareness about calling before digging; and; and

Whereas, these educational efforts increase worker and public safety, prevent damage to underground facilities, and ensure the continuity of utility and communications services; and

Whereas, JULIE and Digger provide a convenient means for anyone involved in excavation to ensure their personal safety and comply with Illinois common law regarding excavation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as CALL BEFORE YOU DIG MONTH in Illinois.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-104

CONTINUITY OF CARE WEEK

Whereas, the concept of Continuity of Care is an essential component of today's health care delivery system; and

Whereas, the professionals responsible for Continuity of Care comprise a variety of disciplines, educational backgrounds, and practice in diverse settings; and

Whereas, Continuity of Care professionals function as facilitators, caregivers, and advocates to ensure that patients receive quality, cost-effective health care services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18-25, 1994, as CONTINUITY OF CARE WEEK in Illinois in recognition of these individuals' dedication and commitment to health care.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-105

D.A.R.E. DAY

Whereas, D.A.R.E. (Drug Abuse Resistance Education) is the largest drug abuse prevention education program in the United States and has now been taught to more than 25 million children in kindergarten through the 12th grade; and

Whereas, D.A.R.E. is a cooperative effort among law enforcement officials, the educational system, and the community, which provides students accurate information about alcohol and drugs, enhances students' decision-making skills, informs them of the consequences of their behavior, and builds students' self-esteem while encouraging them to resist peer pressure; and

Whereas, D.A.R.E. provides parents important information and detailed guidance to further their children's development and to reinforce their decisions to lead drug-free lives; and

Whereas, the D.A.R.E. core curriculum now emphasizes the importance of resolving conflicts without the use of violence and provides young people with a better understanding of the consequences they face when joining gangs and participating in acts of violence; and

Whereas, D.A.R.E. is now taught in Illinois by more than 570 experienced and accomplished D.A.R.E. officers in more than 1,900 classrooms, reaching some 139,000 fifth and sixth grade students annually; and

Whereas, D.A.R.E. is celebrating its 11th anniversary this year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21, 1994, as D.A.R.E. DAY in Illinois in recognition of the significant role this program plays in the well-being of our future generations.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-106

ILLINOIS COMMUNITY COLLEGE MONTH

Whereas, the 40 community college districts in our state provide occupational, baccalaureate transfer, adult education, and public service programs for nearly one million students every year; and

Whereas, community colleges serve more than half of all students in higher education; and

Whereas, community college students benefit from accessible, high-quality education at affordable cost; and

Whereas, most students at Illinois' 49 community colleges remain in their home communities, contributing to the area's social and economic base; and

Whereas, community colleges are at the forefront of local economic development and workforce training efforts, serving the customized training needs of local business and industry in their communities; and

Whereas, community colleges are leaders in using telecommunications technology--enhancing and extending classroom instruction to reach beyond the barriers of time, distance, and location; and

Whereas, the Illinois community college system is dynamic, accountable, and committed to improving the lives of students and the well-being of communities across the state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as ILLINOIS COMMUNITY COLLEGE MONTH in Illinois in honor of the 29th anniversary of our state's community college system.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-107

SEXUAL ASSAULT AWARENESS MONTH

Whereas, a sexual assault occurs once every five minutes; and Whereas, in Illinois, 6,768 adults were sexual assault victims in 1992, and 12,311 children were reported sexual abuse victims between July 1992 and June 1993; and

Whereas, only seven percent of sexual assault victims report the crime to law enforcement and child protective personnel; and Whereas, one out of four girls and one out of six boys will be sexually abused before the age of 18; and

Whereas, 92 percent of all women have been sexually harassed in the workplace or at school; and

Whereas, 80 percent of rapists are relatives, friends, neighbors, or acquaintances of the victim; and

Whereas, informing the public of the crimes of sexual assault, sexual abuse, and sexual harassment is essential in the struggle to end sexual violence and advance equality; and

Whereas, sexual assault, sexual abuse, and sexual harassment are overwhelming moral, economic, and public health burdens that are society should not bear;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as SEXUAL ASSAULT AWARENESS MONTH in Illinois.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-108

STD AWARENESS MONTH

Whereas, sexually transmitted diseases (STDs) afflict many of the people of our state, and more than 12 million people contract STDs nationally each year; and

Whereas, Illinois is one of the areas targeted for increasing community awareness in the effort to educate the public and to control the spread of STDs; and

Whereas, a public education campaign has been developed by the American Social Health Association and will be undertaken during this month, emphasizing prevention, identification, and treatment of sexually transmitted diseases;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as STD AWARENESS MONTH in Illinois and call upon all residents of our state to observe this period by supporting the aims and goals of this noteworthy campaign to stop the epidemic of sexually transmitted diseases.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-109

WOMEN'S FEDERATION FOR WORLD PEACE DAYS

Whereas, the Women's Federation for World Peace is a non-profit, non-partisan, non-sectarian educational organization which is established in more than 40 countries worldwide; and

Whereas, the Federation is dedicated to restoring our families and building true peace in the world through the practice of love; and

Whereas, Mrs. Hak Ja Han Moon, founder and president of the Women's Federation of World Peace, will make a 100 campus speaking tour beginning in Chicago; and

Whereas, Mrs. Moon will address gatherings of citizenry, clergy, and university students on the second and third Sundays in March 1994 to further the Federation's efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 13 and March 20, 1994, as WOMEN'S FEDERATION FOR WORLD PEACE DAYS in Illinois.

Issued by the Governor March 28, 1994.

Filed with the Secretary of State April 4, 1994.

94-110

AMERICAN ASSOCIATION FOR AFFIRMATIVE ACTION DAYS

Whereas, the American Association for Affirmative Action (AAAA) will hold its 20th Anniversary Conference in Chicago on April 6-9; and

Whereas, the AAAA, founded in 1974, is a group of equal opportunity/affirmative action administrators and specialists

from across the nation, dedicated to advancing affirmative action and equal employment for individuals of every race, gender, and ethnic background; and

Whereas, the association acts as a liaison to federal, state, and local agencies, working to further the implementation of successful and productive programs and to encourage professional growth and development of its membership;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6-9, 1994, as AMERICAN ASSOCIATION FOR AFFIRMATIVE ACTION DAYS in Illinois.

Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-111

ILLINOIS STATE QUARTET CONVENTION WEEK

Whereas, the first Illinois State Quartet Convention was organized in 1970 to give gospel singers and listeners the opportunity to share the joy of music; and

Whereas, this year's Illinois State Quartet Convention will mark the group's 25th year--a quarter of a century of Southern gospel music; and

Whereas, the convention will feature more than 25 state groups and 25 soloists who will perform during the three day event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 7-9, 1994, as ILLINOIS STATE QUARTET CONVENTION WEEK in Illinois.

Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-112

PROBATION OFFICER DAY

Whereas, Illinois statutes provide that there shall be full-time probation services for all counties to provide a continuum of sanctions to increase sentencing options to the judiciary of the state; and

Whereas, the continuum of sanctions provided by Illinois probation for adult and juvenile offenders includes intensive supervision, home confinement and electronic monitoring, among many others; and

Whereas, approximately 100,000 adult and juvenile offenders are currently sentenced to such continuum of sanctions and are receiving active probation supervision; and

Whereas, 2,200 dedicated probation and court services officers supervise these adult and juvenile offenders in

Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13, 1994, as PROBATION OFFICER DAY in Illinois in honor of these dedicated professionals.

Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-113

PROFESSIONAL SECRETARIES WEEK/ PROFESSIONAL SECRETARIES DAY

Whereas, professional secretaries contribute to the strong economic climate throughout Illinois; and

Whereas, professional secretaries in business, education, and government ensure work-force productivity; and

Whereas, the professionalism and leadership of these secretaries enhance commerce in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-29, 1994, as PROFESSIONAL SECRETARIES WEEK and April 27, 1994, as PROFESSIONAL SECRETARIES DAY in Illinois in recognition of these hard-working individuals and the contributions they make to the business community.

Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-114

SAVING MONTH

Whereas, saving is vital of the financial security of families and future generations; and

Whereas, education on financial issues at an early age is an important first step toward lifelong awareness of the value of personal saving; and

Whereas, increased saving will also provide investment capital to keep the American economy globally competitive and help maintain our national standard of living; and

Whereas, the saving ethic has always been an esteemed part of the American character, with its strong emphasis on economic independence and self-sufficiency;

Therefore, I, Jim Edgar, governor of the State of Illinois, proclaim April 1994 as SAVING MONTH in Illinois.

Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-115

SOCCER IN THE STREETS DAY

Whereas, Soccer in the Streets is an Atlanta-based, non-profit, national organization that specializes in introducing soccer to inner-city youths and involving parents in soccer development and implementation; and

Whereas, founder and organizer Carolyn McKenzie is bringing the program to Illinois with a Super Soccer Show on Saturday, April 9; and

Whereas, the first Soccer in the Streets program is being sponsored by Chicago McDonalds Association and coordinated by Geoffrey Layne. The program will include demonstrations by Pato Margetic and the Chicago Power;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 9, 1994, as SOCCER IN THE STREETS DAY in Illinois. Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-116

TELECOMMUNICATOR WEEK

Whereas, public safety telecommunicators, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and

Whereas, every hour of every day telecommunicators access, monitor, and disseminate information of critical importance to the safety of public officials and the success of public safety goals; and

Whereas, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property, and individual rights of the citizens of the State of Illinois; and

Whereas, it is appropriate that we demonstrate our appreciation of their knowledge, training, service, and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 10-16, 1994, as TELECOMMUNICATOR WEEK in Illinois in recognition of the vital contributions telecommunicators make to the safety and well-being of our citizens.

Issued by the Governor March 29, 1994.

Filed with the Secretary of State April 4, 1994.

94-117

INFANT IMMUNIZATION WEEK

Whereas, early immunizations for preventable disease such as diphtheria, pertussis (whooping cough), tetanus, polio, measles, mumps, rubella, Haemophilus influenzae type b meningitis and

hepatitis B are necessary to maintain our children's health and well-being; and

Whereas, nearly 98 percent of the two million children enrolled in Illinois schools are fully immunized, but only 56 percent of preschool-age children outside the City of Chicago, and less than 50 percent in the city, are properly immunized; and

Whereas, it is recommended that all children be immunized as early in life as medically recommended, rather than waiting until the child is entering school and must receive required immunizations; and

Whereas, preventing diseases is more cost-effective than treating illnesses, and immunizations are a proven method of prevention; and

Whereas, the Illinois Department of Public Health, in conjunction with local health departments, hospitals, public vaccine providers, other community organizations, the Children's Action Network, the Office of the Surgeon General, and Centers for Disease Control and Prevention, have joined together to launch 'Immunize On Time, Your Baby's Counting on You!', a national immunization campaign; and

Whereas, this campaign is designed to increase parents' understanding of age-appropriate immunizations and expand proper immunization practices among health care providers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1994, as INFANT IMMUNIZATION WEEK in Illinois and urge all residents to join with me in supporting the goals and activities of this immunization campaign to ensure that our children are fully immunized.

Issued by the Governor March 30, 1994.

Filed with the Secretary of State April 4, 1994.

94-118

NATURAL RESOURCES STEWARDSHIP MONTH

Whereas, Illinois is blessed with outstanding natural, cultural, and historical resources; and

Whereas, the 11.5 million people who make up Illinois' population depend on this state's resources for recreation and quality of life; and

Whereas, there are nearly 37 million annual visitors to public sites throughout Illinois which encompass more than 400,000 acres; and

Whereas, Illinois must manage its precious resources on private as well as public land; and

Whereas, the future of Illinois' natural wonders depends on the commitment of all Illinoisans to whom they belong; and

Whereas, there is a need to encourage a more ecosystem-based approach to natural resources education; and

Whereas, Illinois' first Conservation Congress emphasized the importance of educating the public about all the resources Illinois has to offer and the importance of caring for them properly;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as NATURAL RESOURCES STEWARDSHIP MONTH in Illinois and call upon citizens to undertake efforts that not only will increase their understanding and appreciation of our environment, but will improve the world around them. Together we can make a difference and our efforts will provide a legacy for future generations.

Issued by the Governor March 30, 1994.

Filed with the Secretary of State April 4, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR (Joint Committee on Rules)
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Object
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
Q - Request for Corrections	
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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- 89 Ill. Adm. Code 240 Community Care Program (P-14225/93; A-609) (E-5355) (P-5027)
- 89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership Demonstration Program (P-3802)
- 89 Ill. Adm. Code 230 Older Americans Act Program (P-5720)

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- 8 Ill. Adm. Code 110 Animal Diagnostic Act (P-14717/93; A-1825)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-14728/93; A-1833)
- 8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93; A-205)
- 8 Ill. Adm. Code 20 Definitions (P-14793; A-1844)
- 8 Ill. Adm. Code 85 Diseased Animals (P-14747/93; A-1850)
- 8 Ill. Adm. Code 116 Equine Infectious Anemia Control (P-14761/93; A-1861)
- 68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing (P-14765/93; A-1865)
- 8 Ill. Adm. Code 270 Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164)
- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-14769/93; A-1869)
- 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-14775/93; A-1875)
- 8 Ill. Adm. Code 125 Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809; A-4622)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-14781/93; A-1880)
- 8 Ill. Adm. Code 600 Weights and Measures Act (E-4426)

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- 77 Ill. Adm. Code 2090 Substance Alcoholism and Substance Abuse Treatment Services (P-5029)

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- 14 Ill. Adm. Code 200 Franchise Disclosure Act (PP-2522)

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- 80 Ill. Adm. Code 302 Merit & Fitness (P-14788/93; A-1892)
- 80 Ill. Adm. Code 310 Pay Plan (P-13657/93; P-14314; A-227; A-1107) (P-21233/93; A-5146)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (A-3115)

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- 89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
- 89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683) (P-11964/93; A-5531)
- 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93; A-5540)

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- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-18453/93; A-1901)

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- 92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630/93; A-1914)
- 14 Ill. Adm. Code 510 Illinois Promotion Act Programs (P-14318/93; A-1919)
- 83 Ill. Adm. Code 792 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
- 83 Ill. Adm. Code 590 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93; A-676; M-795)
- 83 Ill. Adm. Code 315 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918)
- 83 Ill. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483; A-4146)
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- 83 Ill. Adm. Code 285 Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2722)
- 83 Ill. Adm. Code 425 Uniform Electric Fuel Adjustment (P-4483)
- 92 Ill. Adm. Code 1375 Uniform System of Accounts (P-8635/93; A-1927)
- 83 Ill. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937) (P-4490)
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- 14 Ill. Adm. Code 510 III. Promotion Act Programs (P-14318/93; A-5813)
- 56 Ill. Adm. Code 509 Industrial Training Program (P-20063/93; RQ-6022)
- 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-805)
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- 17 Ill. Adm. Code 850 Commercial Fishing in Lake Michigan (P-22123/93; A-5834)
- 17 Ill. Adm. Code 830 Commercial Fishing and Musseling in Certain Waters of the State (E-4761) (P-5372)
- 17 Ill. Adm. Code 2520 Consignment of Licenses (P-3821)
- 17 Ill. Adm. Code 730 Dove Hunting Season (P-3830)
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- 17 Ill. Adm. Code 1010 III. List of Endangered & Threatened Fauna (P-16273/93; A-1134)
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- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)
- 17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-1; A-5838)
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- 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)
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- 20 Ill. Adm. Code 107 Records of Committed Persons (P-19377/93;A-2939)
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- 23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)
- 23 Ill. Adm. Code 550 Reorganization Committee (PR-17611/93;AR-5551)
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- 23 Ill. Adm. Code 1020 Health Services Education Grant (P-17639/93;A-5174)
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- 32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)
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TYPE OF RULE MAKING

ACTION CODE

am = amend to existing Section	A = Adopted Rule	PF = Prohibited Filing
cc = codification changes	E = Emergency	S = Suspension
n = New section	P = Proposed Rule	O = JCAR Objection
r = repeal of existing Section	PP = Peremptory	F = Failure to Remedy Objections
re = recodified	M = Modification	Objecton
# = renumbered	W = Withdrawal	RC = Recommendations
	CC = Codification Changes	EC = Expedited Correction
	RQ = Request for Correction	C = Correction

1994	220 Ex.J	am	(P-13307/93.A-4758)	250.300	am	(P-13257/93.A-4728)
	220 Ex.K	am	(P-13307/93.A-4758)	250.400	am	(P-13257/93.A-4728)
	220.100	am	(P-13223/93.A-1233)	250.500	am	(P-13257/93.A-4728)
	210.200	am	(P-13223/93.A-1233)	250.600	am	(P-13257/93.A-4728)
	210.300	am	(P-13223/93.A-1233)	250.700	am	(P-13257/93.A-4728)
	210.400	am	(P-13223/93.A-1233)	250.800	am	(P-13257/93.A-4728)
	210.500	am	(P-13223/93.A-1233)	250.900	am	(P-13257/93.A-4728)
	220.100	am	(P-13307/93.A-4758)	250.1000	am	(P-13257/93.A-4728)
	220.150	am	(P-13307/93.A-4758)	250.1100	am	(P-13257/93.A-4728)
	220.200	am	(P-13307/93.A-4758)	250.1200	am	(P-13257/93.A-4728)
	220.250	am	(P-13307/93.A-4758)	250.1300	am	(P-13257/93.A-4728)
	220.300	am	(P-13307/93.A-4758)	250.1400	am	(P-13257/93.A-4728)
	220.350	am	(P-13307/93.A-4758)	250.1500	am	(P-13257/93.A-4728)
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	220.650	am	(P-13307/93.A-4758)	250.2100	am	(P-13257/93.A-4728)
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	220.750	am	(P-13307/93.A-4758)	255.10	n	(E359)
	220.800	am	(P-13307/93.A-4758)	255.20	n	(E359)
	220.850	am	(P-13307/93.A-4758)	260.100	am	(P-13233/93.A-4705)
	220.900	am	(P-13307/93.A-4758)	260.200	am	(P-13233/93.A-4705)
	220.950	am	(P-13307/93.A-4758)	260.300	am	(P-13233/93.A-4705)
	220.1000	am	(P-13307/93.A-4758)	260.350	am	(P-13233/93.A-4705)
	220.1100	am	(P-13307/93.A-4758)	260.400	am	(P-13233/93.A-4705)
	220.1200	am	(P-13307/93.A-4758)	260.500	am	(P-13233/93.A-4705)
	220.1300	am	(P-13307/93.A-4758)	260.600	am	(P-13233/93.A-4705)
	220.1400	am	(P-13307/93.A-4758)	260.650	am	(P-13233/93.A-4705)
	220.1500	am	(P-13307/93.A-4758)	260.700	am	(P-13233/93.A-4705)
	220.1600	am	(P-13307/93.A-4758)	260.800	am	(P-13233/93.A-4705)
	220.1700	am	(P-13307/93.A-4758)	260.900	am	(P-13233/93.A-4705)
	220.1800	am	(P-13307/93.A-4758)	260.1000	am	(P-13233/93.A-4705)
	220.1900	am	(P-13307/93.A-4758)	260.1100	am	(P-13233/93.A-4705)
	220.2000	am	(P-13307/93.A-4758)	260.1200	am	(P-13233/93.A-4705)
	220.2100	am	(P-13307/93.A-4758)	260.1300	am	(P-13233/93.A-4705)
	220.2200	am	(P-13307/93.A-4758)	260.1400	am	(P-13233/93.A-4705)
	220.2300	am	(P-13307/93.A-4758)	260.1500	am	(P-13233/93.A-4705)
	220.2400	am	(P-13307/93.A-4758)	260.1600	am	(P-13233/93.A-4705)
	220.2500	am	(P-13307/93.A-4758)	260.1700	am	(P-13233/93.A-4705)
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	220.2700	am	(P-13307/93.A-4758)	260.1900	am	(P-13233/93.A-4705)
	220.2800	am	(P-13307/93.A-4758)	260.2000	am	(P-13233/93.A-4705)
	220.2900	am	(P-13307/93.A-4758)	260.2100	am	(P-13233/93.A-4705)
	220.3000	am	(P-13307/93.A-4758)	260.2200	am	(P-13233/93.A-4705)
	220.3100	am	(P-13307/93.A-4758)	260.2300	am	(P-13233/93.A-4705)
	220.3200	am	(P-13307/93.A-4758)	260.2400	am	(P-13233/93.A-4705)
	220.3300	am	(P-13307/93.A-4758)	260.2500	am	(P-13233/93.A-4705)
	220.3400	am	(P-13307/93.A-4758)	260.2600	am	(P-13233/93.A-4705)
	220.3500	am	(P-13307/93.A-4758)	260.2700	am	(P-13233/93.A-4705)
	220.3600	am	(P-13307/93.A-4758)	260.2800	am	(P-13233/93.A-4705)
	220.3700	am	(P-13307/93.A-4758)	260.2900	am	(P-13233/93.A-4705)
	220.3800	am	(P-13307/93.A-4758)	260.3000	am	(P-13233/93.A-4705)
	220.3900	am	(P-13307/93.A-4758)	260.3100	am	(P-13233/93.A-4705)
	220.4000	am	(P-13307/93.A-4758)	260.3200	am	(P-13233/93.A-4705)
	220.4100	am	(P-13307/93.A-4758)	260.3300	am	(P-13233/93.A-4705)
	220.4200	am	(P-13307/93.A-4758)	260.3400	am	(P-13233/93.A-4705)
	220.4300	am	(P-13307/93.A-4758)	260.3500	am	(P-13233/93.A-4705)
	220.4400	am	(P-13307/93.A-4758)	260.3600	am	(P-13233/93.A-4705)
	220.4500	am	(P-13307/93.A-4758)	260.3700	am	(P-13233/93.A-4705)
	220.4600	am	(P-13307/93.A-4758)	260.3800	am	(P-13233/93.A-4705)
	220.4700	am	(P-13307/93.A-4758)	260.3900	am	(P-13233/93.A-4705)
	220.4800	am	(P-13307/93.A-4758)	260.4000	am	(P-13233/93.A-4705)
	220.4900	am	(P-13307/93.A-4758)	260.4100	am	(P-13233/93.A-4705)
	220.5000	am	(P-13307/93.A-4758)	260.4200	am	(P-13233/93.A-4705)
	220.5100	am	(P-13307/93.A-4758)	260.4300	am	(P-13233/93.A-4705)
	220.5200	am	(P-13307/93.A-4758)	260.4400	am	(P-13233/93.A-4705)
	220.5300	am	(P-13307/93.A-4758)	260.4500	am	(P-13233/93.A-4705)
	220.5400	am	(P-13307/93.A-4758)	260.4600	am	(P-13233/93.A-4705)
	220.5500	am	(P-13307/93.A-4758)	260.4700	am	(P-13233/93.A-4705)
	220.5600	am	(P-13307/93.A-4758)	260.4800	am	(P-13233/93.A-4705)
	220.5700	am	(P-13307/93.A-4758)	260.4900	am	(P-13233/93.A-4705)
	220.5800	am	(P-13307/93.A-4758)	260.5000	am	(P-13233/93.A-4705)
	220.5900	am	(P-13307/93.A-4758)	260.5100	am	(P-13233/93.A-4705)
	220.6000	am	(P-13307/93.A-4758)	260.5200	am	(P-13233/93.A-4705)
	220.6100	am	(P-13307/93.A-4758)	260.5300	am	(P-13233/93.A-4705)
	220.6200	am	(P-13307/93.A-4758)	260.5400	am	(P-13233/93.A-4705)
	220.6300	am	(P-13307/93.A-4758)	260.5500	am	(P-13233/93.A-4705)
	220.6400	am	(P-13307/93.A-4758)	260.5600	am	(P-13233/93.A-4705)
	220.6500	am	(P-13307/93.A-4758)	260.5700	am	(P-13233/93.A-4705)
	220.6600	am	(P-13307/93.A-4758)	260.5800	am	(P-13233/93.A-4705)
	220.6700	am	(P-13307/93.A-4758)	260.5900	am	(P-13233/93.A-4705)
	220.6800	am	(P-13307/93.A-4758)	260.6000	am	(P-13233/93.A-4705)
	220.6900	am	(P-13307/93.A-4758)	260.6100	am	(P-13233/93.A-4705)
	220.7000	am	(P-13307/93.A-4758)	260.6200	am	(P-13233/93.A-4705)
	220.7100	am	(P-13307/93.A-4758)	260.6300	am	(P-13233/93.A-4705)
	220.7200	am	(P-13307/93.A-4758)	260.6400	am	(P-13233/93.A-4705)
	220.7300	am	(P-13307/93.A-4758)	260.6500	am	(P-13233/93.A-4705)
	220.7400	am	(P-13307/93.A-4758)	260.6600	am	(P-13233/93.A-4705)
	220.7500	am	(P-13307/93.A-4758)	260.6700	am	(P-13233/93.A-4705)
	220.7600	am	(P-13307/93.A-4758)	260.6800	am	(P-13233/93.A-4705)
	220.7700	am	(P-13307/93.A-4758)	260.6900	am	(P-13233/93.A-4705)
	220.7800	am	(P-13307/93.A-4758)	260.7000	am	(P-13233/93.A-4705)
	220.7900	am	(P-13307/93.A-4758)	260.7100	am	(P-13233/93.A-4705)
	220.8000	am	(P-13307/93.A-4758)	260.7200	am	(P-13233/93.A-4705)
	220.8100	am	(P-13307/93.A-4758)	260.7300	am	(P-13233/93.A-4705)
	220.8200	am	(P-13307/93.A-4758)	260.7400	am	(P-13233/93.A-4705)
	220.8300	am	(P-13307/93.A-4758)	260.7500	am	(P-13233/93.A-4705)
	220.8400	am	(P-13307/93.A-4758)	260.7600	am	(P-13233/93.A-4705)
	220.8500	am	(P-13307/93.A-4758)	260.7700	am	(P-13233/93.A-4705)
	220.8600	am	(P-13307/93.A-4758)	260.7800	am	(P-13233/93.A-4705)
	220.8700	am	(P-13307/93.A-4758)	260.7900	am	(P-13233/93.A-4705)
	220.8800	am	(P-13307/93.A-4758)	260.8000	am	(P-13233/93.A-4705)
	220.8900	am	(P-13307/93.A-4758)	260.8100	am	(P-13233/93.A-4705)
	220.9000	am	(P-13307/93.A-4758)	260.8200	am	(P-13233/93.A-4705)
	220.9100	am	(P-13307/93.A-4758)	260.8300	am	(P-13233/93.A-4705)
	220.9200	am	(P-13307/93.A-4758)	260.8400	am	(P-13233/93.A-4705)
	220.9300	am	(P-13307/93.A-4758)	260.8500	am	(P-13233/93.A-4705)
	220.9400	am	(P-13307/93.A-4758)	260.8600	am	(P-13233/93.A-4705)
	220.9500	am	(P-13307/93.A-4758)	260.8700	am	(P-13233/93.A-47

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Titles 17, cont.]		TITLE 23		TITLE 24		TITLE 25		TITLE 26		TITLE 27		TITLE 28		TITLE 29		TITLE 30		TITLE 31		TITLE 32		TITLE 33		TITLE 34		TITLE 35		TITLE 36		TITLE 37		TITLE 38		TITLE 39		TITLE 40		TITLE 41		TITLE 42		TITLE 43		TITLE 44		TITLE 45		TITLE 46		TITLE 47		TITLE 48		TITLE 49		TITLE 50		TITLE 51		TITLE 52		TITLE 53		TITLE 54		TITLE 55		TITLE 56		TITLE 57		TITLE 58		TITLE 59		TITLE 60		TITLE 61		TITLE 62		TITLE 63		TITLE 64		TITLE 65		TITLE 66		TITLE 67		TITLE 68		TITLE 69		TITLE 70		TITLE 71		TITLE 72		TITLE 73		TITLE 74		TITLE 75		TITLE 76		TITLE 77		TITLE 78		TITLE 79		TITLE 80		TITLE 81		TITLE 82		TITLE 83		TITLE 84		TITLE 85		TITLE 86		TITLE 87		TITLE 88		TITLE 89		TITLE 90		TITLE 91		TITLE 92		TITLE 93		TITLE 94		TITLE 95		TITLE 96		TITLE 97		TITLE 98		TITLE 99		TITLE 100		TITLE 101		TITLE 102		TITLE 103		TITLE 104		TITLE 105		TITLE 106		TITLE 107		TITLE 108		TITLE 109		TITLE 110		TITLE 111		TITLE 112		TITLE 113		TITLE 114		TITLE 115		TITLE 116		TITLE 117		TITLE 118		TITLE 119		TITLE 120		TITLE 121		TITLE 122		TITLE 123		TITLE 124		TITLE 125		TITLE 126		TITLE 127		TITLE 128		TITLE 129		TITLE 130		TITLE 131		TITLE 132		TITLE 133		TITLE 134		TITLE 135		TITLE 136		TITLE 137		TITLE 138		TITLE 139		TITLE 140		TITLE 141		TITLE 142		TITLE 143		TITLE 144		TITLE 145		TITLE 146		TITLE 147		TITLE 148		TITLE 149		TITLE 150		TITLE 151		TITLE 152		TITLE 153		TITLE 154		TITLE 155		TITLE 156		TITLE 157		TITLE 158		TITLE 159		TITLE 160		TITLE 161		TITLE 162		TITLE 163		TITLE 164		TITLE 165		TITLE 166		TITLE 167		TITLE 168		TITLE 169		TITLE 170		TITLE 171		TITLE 172		TITLE 173		TITLE 174		TITLE 175		TITLE 176		TITLE 177		TITLE 178		TITLE 179		TITLE 180		TITLE 181		TITLE 182		TITLE 183		TITLE 184		TITLE 185		TITLE 186		TITLE 187		TITLE 188		TITLE 189		TITLE 190		TITLE 191		TITLE 192		TITLE 193		TITLE 194		TITLE 195		TITLE 196		TITLE 197		TITLE 198		TITLE 199		TITLE 200		TITLE 201		TITLE 202		TITLE 203		TITLE 204		TITLE 205		TITLE 206		TITLE 207		TITLE 208		TITLE 209		TITLE 210		TITLE 211		TITLE 212		TITLE 213		TITLE 214		TITLE 215		TITLE 216		TITLE 217		TITLE 218		TITLE 219		TITLE 220		TITLE 221		TITLE 222		TITLE 223		TITLE 224		TITLE 225		TITLE 226		TITLE 227		TITLE 228		TITLE 229		TITLE 230		TITLE 231		TITLE 232		TITLE 233		TITLE 234		TITLE 235		TITLE 236		TITLE 237		TITLE 238		TITLE 239		TITLE 240		TITLE 241		TITLE 242		TITLE 243		TITLE 244		TITLE 245		TITLE 246		TITLE 247		TITLE 248		TITLE 249		TITLE 250		TITLE 251		TITLE 252		TITLE 253		TITLE 254		TITLE 255		TITLE 256		TITLE 257		TITLE 258		TITLE 259		TITLE 260		TITLE 261		TITLE 262		TITLE 263		TITLE 264		TITLE 265		TITLE 266		TITLE 267		TITLE 268		TITLE 269		TITLE 270		TITLE 271		TITLE 272		TITLE 273		TITLE 274		TITLE 275		TITLE 276		TITLE 277		TITLE 278		TITLE 279		TITLE 280		TITLE 281		TITLE 282		TITLE 283		TITLE 284		TITLE 285		TITLE 286		TITLE 287		TITLE 288		TITLE 289		TITLE 290		TITLE 291		TITLE 292		TITLE 293		TITLE 294		TITLE 295		TITLE 296		TITLE 297		TITLE 298		TITLE 299		TITLE 300		TITLE 301		TITLE 302		TITLE 303		TITLE 304		TITLE 305		TITLE 306		TITLE 307		TITLE 308		TITLE 309		TITLE 310		TITLE 311		TITLE 312		TITLE 313		TITLE 314		TITLE 315		TITLE 316		TITLE 317		TITLE 318	
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